Chapter 3
Death, 1: A Walk in the Garden

To the Tübatulabal, gold was a mystery. The tiwimal had once declared that the leaders among whites, the elders who rode fine horses among them, would often save many small stones of yellow for which they had no use, and that the savers of these small stones became, by some magic, more powerful than those who gathered and carried and crushed the huge rocks—crushing huge rocks that had no color, with gigantic worthless noisy contraptions that had somehow been carried into this canyon from the place of many rivers where the white men were born; the place from which, long ago, they had brought their killer dogs; the place far, far away that had the same name as this canyon where the white men now lived; the place that held a beautiful garden that had provided food forever, until the white man destroyed it and had to leave it and had learned to live by harvesting the stones. In this wisdom, the Tübatulabal saw no practical use for any of the stones, big or small, those with color or those without. For they knew no way to make them into tools or weapons, or even to control the magic of them—and it was this magic, they concluded, this magic that could somehow be made either by gods or men to concentrate itself in the yellow softness, that must have been the white man’s reason for pursuing these objects that had no other use. And as they learned more about the thousands of men who lived for nothing but the rocks, they began to fear the magic of the rocks 'as much as they feared the madness of these men—the magic 'and the madness 'and the fear 'were the same. [N.B.: The symbol preceding a word, as in Tongan, indicates that for oral reading the voice should break before pronouncing the word.]

Because the Tübatulabal understood how to please the spirit gods and had never destroyed their garden, had never destroyed their garden by trying to
capture the huge trees made of water and filled with snakes, they had their own magic: They and their brothers were wise in the use of what these gods had given them. Of animals, they made every conceivable use: the meat for food; the bones for implements; the tendons for bow strings; the hide for clothing. They knew where to find sweet, nourishing berries, and they knew places good for catching trout. They knew how to build shelters from materials easily at hand, and how to maintain them. They knew how to make tools and weapons not only of bone and rock, but of the sharpened shells obtained through trade with their coastal brethren. These materials provided points for arrows and scraped the skins of animals and even made it possible to sew fabrics together—they served needs that were endless. Flint, obsidian, jasper were far more useful to the Indian than the stones coveted by the white man—the white man’s stones that held their beauty and their power deeply hidden, stones that would never serve for pounding, stones that would never break into fragments that one sharpens, but would merely turn to powder—these stones themselves crushed by heavy round boulders dragged in circles and serving for nothing more than to pulverize smaller stones and to torture mules and horses and make sacrifice of them.

Highly prized as ornaments were bear claws, the fangs of the mountain lion, the feathers of eagles: These told clearly what a man was, what a woman was. It was the ability and the willingness to create this harmony with the world, that in itself was the true magic.

The magic of the people who had always lived on this land had made it a land of plenty—before the coming of strangers.

Silent and always hidden, a man of little importance within his tribe, the Tübatulabal who stalked Lovely and his mule was perhaps in his late teens. His face was long, narrow, with aquiline features, his hair a lustrous black and straight. His thin lips curled perceptibly, yet not cruelly. Expressing a lithesome and wild gracefulness, his body held the strength of an accomplished athlete. His clothing was of good quality and carefully maintained, and often caused him to be mistaken for a Mexican, for a vaquero or a miner—sometimes to his advantage. His feet were bare. His weapons consisted of a bow and a few arrows in a small quiver at his back, and an obsidian skinning knife.
The young man had seen Lovely before, many times. He understood that Lovely had fallen slowly and helplessly into the total desperation of so many of the men of the crushed rocks. He did not understand why pathetic and starving and dying men like Lovely had been allowed to destroy the lives of a people who had lived on this earth forever, when so few of these men did anything more than to help perform the same simple ceremonies of the water trees or the rocks—perhaps the tragedy of these men was that they lived without the human sacrifices offered by the more powerful among them. He did not hate Lovely and he did not hate the pathetic and dying men, but he did not understand why men like Lovely, who lived entirely alone and did not truly comprehend the magic of the rocks, had been given the earth, and were entirely free to leave the land of their origin, the land that had the same name as that given by the whites to this canyon, even though this was impossible.

The wealthy and powerful tiwimal, among the elders of the Tübatulabal, had sent prayers to the great spirit beseeching that the hated men who lacked color, the men from whom the sunlight merely reflects, the men who had the appearance of the most hardened and worthless and colorless of the rounded stones found at the bottoms of streams, might never be maddened by another hoard of rocks used for nothing more than to create strange ornaments for fingers or even for teeth, where they could not be seen. And yet, despite these entreaties, many more of the rocks had revealed themselves to the white men and had brought on a new influx of so many that, like the stars, they could not be counted, and they could not be touched.

The observer had traced the movement of the wandering mule from a high ridge, and he had noticed the rifle in the pack saddle. He scrambled quickly downward in the hope of obtaining both the animal and the weapon, but before he had maneuvered the mule into a position favorable for capture, Lovely had appeared. The Indian did not wish to kill the white man—not here, not in a place so easily seen, not now, not by himself alone. And perhaps, for this white man, it would not be necessary to kill: Hadn’t the tiwimal once taught that a man should only kill another man as an act of ultimate desperation?

From well-warranted habit the observer again found a hidden place in the underbrush, and again he vanished.
Frank Stinson smiled to himself as he rode to keep his monthly rendezvous with Carnwell.

Carnwell: no given name. A huge man, a giant; and those who beheld him always saw first the repulsiveness of the face; they saw first the profuse, dark eyebrows obscuring eyelids that rimmed and nearly hid the eyes, eyes blood-saturated in booze-cloudiness when raised and transforming magically to near invisibility like those of pigs when cast downward: But in the land of Havilah, the ugliest of men are sometimes the best of men. One saw the nose, twice broken, comical in its asymmetry had it not been part of a face that otherwise seemed filled with loathing; one saw rotted and discolored and stinking teeth, teeth for a giant, the giant’s breathing conveying a basilisk stench from a mouth that could express infinitely the subtle shades and nuances of anger or lust and sometimes both combined, and one saw the burned skin of his face not parched but filled with deep scars and, of late, suppurating chancres, rashes hidden under caked blood, and rashes now infecting parts of his body both seen and not seen; and also in the places not seen, lesions of a profound ugliness that had the appearance of warts: But the ugliest of men, in this gold country near the land of Havilah, are sometimes the best of men.

The toothpick, the inevitable toothpick, is not yet a part of this face.

The man surreptitiously had appeared in Keyesville late one night, back in ‘63, riding a huge gelded horse of beautiful glowing bay. After canvassing the local whores and beating, but not injuring, the one who had given him, or had tried to give him, something more than momentary pleasure, he had begun to frequent Havilah. One day he happened to walk into Frank Stinson’s assay office with a poke of gold. Stinson knew that Carn hadn’t mined the gold—the man knew nothing about prospecting. He could have won at gambling, but Stinson surmised otherwise and tested his surmise by heavily discounting his offered payment, making a patently phony claim about the distant San Francisco gold market. Due to stupidity or some crippled sense of caution or both combined, Carn had raised no objection: But a stupid man, lacking judgment, can be a good man.

Two days later the news came to Havilah that an unknown prospector had been found with his throat neatly cut in a makeshift tent near Wolf Springs. The young man, another dreamer, had been turned face-down and raped as he had bled his life into the dirt, and his neck and upper back had been duplexed neatly with his own heavy hatchet, and if the murderer had turned the victim
over as did his few friends (and, earlier, a stranger) at the place of death and inhumation, and had beheld the young man lying on his back, he would have failed to notice that the man’s bestial wounds had formed a nearly perfect crucifix. This was just a simple man: honest in all his labor, in all his life. And yet, “this man was forsaken, totally forsaken, and this cross—it’s on his own chest that his cross is crucified.”

The man who had been murdered was Chinese.

When Carn next visited him Stinson made it a point to elucidate upon the hazards of the prospector’s life, and he did not forget to mention the fate of this unfortunate miner. Carn appeared unimpressed, indifferent, without curiosity. Stinson was satisfied: Here was a man with whom he could collaborate. A man of little intellect: Perhaps an honest man, perhaps not, among those of the land of Havilah.

This illicit relationship soon had proven highly profitable for both men, especially for Stinson. As a successful assayer with an office in Havilah, Stinson had built his prosperity on the buying and selling of gold. His suppliers—many of them—understood that the means by which they acquired their gold was a matter of little consequence or concern to him. An intelligent man, he secretly disliked Mister Carnwell primarily for his stupidity and only in part for his apparent meanness of spirit. But Stinson was extremely careful to make sure that Carn did not discover this attitude. For Carn, however stupid, was useful. And on the usefulness of others, Frank Stinson, Assay & Amalgamation, always had thrived.

The two men formed a tense and unwritten alliance; nor was Stinson ever willing to shake the hand of this man whom he regarded as filth. The filth appeared reliably: From time to predictable time Carn would enter town carrying gold; Stinson routinely bought it, neither questioning its origin nor adjusting its price. In Carnwell’s mind the original price had stood pure in its fixity, like a creedal article of faith never to be doubted or disputed, and Stinson regarded this attitude as a measure of the man’s loyalty and reliability as well as his vacuousness. Finally, the frequency of their transactions moved Stinson to suggest that they have their meetings at some distance from town, somewhere other than his office in Havilah. Carn sullenly agreed, and the men selected a place that satisfied both—at least, it satisfied Stinson.

This morning they had met as scheduled and taken care of whatever business Stinson could evade no longer. Usually they rode together part of the
way back to Havilah, and today, to avoid riding on mud, which would have jeopardized Stinson’s elegant clothing, they had departed from their accustomed route. Carnwell, as ever, had been astounded by the amount of cash carried by Stinson simply to conduct a morning’s commerce. In these days and at this moment, he spoke to his partner deferentially:

“Harp and Ding went to jail for treason? And got out in two weeks?”

“It’s the American way, pal, civil war or Sunday school—ya gotta fix things. Little bastard had connections, ya know? I always figured he brought you down here. Part a the advance team. Or for ‘is bodyguard.”

Carn looked incredulous; then, angry; and then, to veil his anger, inquisitive.

“The whole damn thing was faster’n sin,” said the jesting Stinson.

“Asbury said the jury took only four minutes to convict ‘im. Like that story ‘bout the Mex got hanged two minutes before the jury came in, and that jury only took four minutes too. So why should Asbury go to prison for ten years? Ten days’d be more like it. He stirred his stump fast and got loose a jail and got outta town.”

“So why would he come down here, with pardners like that in San Francisco?”

“He ‘ad to run. Asbury was loyal to General Johnston, loved ‘im—you know, the general who caught a mini-ball in ‘is leg down at Shiloh? His men stood around an’ watched him bleed to death? You ever heard of General Beauregard?” Pause. Insight. Smile. “Ya know, maybe that stupid sonofabitch watched im too.”

Early-morning impositions on his knowledge always irritated Carn. The same impositions, later in the day, infuriated him—the way liquor infuriated him. Or, worse yet, impositions and liquor combined.

“Oh, no. Uh, who is this? Bo—what?”

Stinson tried not to smile.

“Well, he was a bigger fool than Johnston, and between the two of em they threw away their only chance to win the damned war. In Tennessee. Shiloh. And Harpending, before he came hidin’ out here, he followed that act out there to Shiloh. I guess he saw Johnston shot. ‘Course, he didn’t do anything to save the sumbitch either, any more than the rest of em—an’ I figure him for brains enough to slap a shinplaster on ‘is idol. Asbury says Johnston was an honorable
man, not a fool—too honorable to pick off California for the confederacy in ‘61, when we had a chance.”

“Who cares about the confederacy, one way or the other? Ain’t it pretty well dead?”

“I’d a had General Johnston shot for treason—that’s who cares. He couldda flanked Grant’s army, and took hold a the yankee shee-bang by the throat.” This vision, for several seconds, he contemplates; he savors it. “Then Asbury comes back to San Francisco, to take over where Johnston left off.”

“An’ he wanted to cut off this gold supply for the yankees? Who gives a damn, long as somebody’s buyin?”

“Anybody tha’ wanted more slaves out here—we gave a damn. We couldda had cotton all over the place. Down aroun’ the San Joaquin. Instead a just wheat and cattle. That idiot Danny Webster was full a acorns. Asbury got into the Golden Knights of some damn thing—some pro-Secesh thing.”

Carn did not truly understand the remarks about slaves, knights, cotton, secession, acorns, or honor.

“So, this Harp and Ding fella gets up to San Francisco with a gunboat, raidin yankees for gold? Sounds like a nice way to make a livin.”

“Musta been. But when he got out a jail he hightailed it down here pretty fast. In ‘64, he was just hidin out. Then he decides, what the hell, why not put up a town? This is the way the man thinks. Put it up overnight. Havilah. You saw it. The man’s brash.”

“There’s diggins for brass around here?” Fortunately, mumbled. “An’ you say he pulled the name outta the bible?”

“Yeah. Somehow he manages to read his bible. I think this damn place is named for the Garden of Eden. Pison—uh, the snake or somebody.”

“Poison? Sounds like rattle snake to me. So how’d this important man make a buck off the Garden of Eden? I never knew he was right in the middle of it.”

Stinson smiled. “You and your boys interested in Havilah investment now’days?”

Carn did not respond. Stinson continued.

“Well, he comes in here, ya know, with a bit a cash, from this mining operation down in Mexico where he got started as a kid. Basically, all you do is take a look at things, figure out what’s gonna work, put up the money for it, and take your percentage—mebbe ten, mebbe half. You an’ those yeggmen a
yours could do it. Just steal a stake and get yourselves started. Buy anything you can get cheap, and sell it high. An’ then there’s usury. Great!”

“Oh I ain’t so great—not at business. But we’re workin on it. I heard this Harp and Ding bought part a that, uh, sawmill, that Jim Cross and his brother put in.”

“I don’ know. But that’s the sort of thing you do. Havilah went nowhere till it got lumber. And then in no time we had mountain schooners in here from Los Angeles, an’ Johnny Tomlinson runnin stagecoaches. I hear Jim’s puttin in a bank, an’ believe me, that sawmill sonofabitch knows how to shave stuff. He’s also got himself runnin the Havilah Wells Fargo desk.”

Carn had a lot to think about; it was taxing; he filed it away.

Stinson continued: “Ya know, Tomlinson’s a sick man. You boys oughtta scoop up his coach line. ‘Fore somebody burns it down.”

“Why’d these soldiers down ta Shiloh let their general bleed to death?”

“Hell, I dunno. I guess honor won’t get your leg tied off.”

Stinson paused, thoughtfully. Then he continued.

“From ‘64 to ‘65. One year. Asbury Harpending created this town. He was like a goddamn deity. You saw it. These mining towns are the only place that build up faster’n we tear ‘em down.”

“So why’s it look like e’s gone?”

“That’s rule number two, Carnwell, for you and your thugs. You take the money and run. Then the honest brokers like you and me stay around and scoop up the residue.”

Neither man saw the contradiction.

“Talk about Harp and Ding, I’m gonna take me one a them Swiss Bell Dingers that was in here last week. I’m gonna run like hell—an’ turn her loose to ring my bell.”

“Yeah. Well, you stick with your bell dingers, Carn. I’m stickin with Harpending. He’s good folks. Outta Kentucky. He wants to beat down the black man, the red man, the Mexicans, the Chinese, the goddamn Indians, and all these other sonsabitches show up in California and don’t look like good ol’ you. He don’t give a damn ‘bout nothin.”

“Sounds just like me, headin straight ta hell in the caboose.”

“Yeah, maybe so. Try to imagine Harpending repenting, down on his knees in a profound act of contrition. That’ll be the day. That’ll be the day the Espee hauls you and your caboose down the face a this mountain.”
“Damn right. But just gimme a bell dinger or two an’ I won’t hafta kill any more a these skins. ‘Less I can pick em off from my caboose.”

And so it was that these two entrepreneurs happened upon Lovely Smith just as he was leaving his newly found fortune, walking alongside his mule almost as if he were restored fully to life, and preparing to make his way toward Havilah where he would establish the legal structure of his future prosperity.

“Hey, Lovely! What are you toting in that sack, my friend, bullion or booze?”

Stinson didn’t really care what the old derelict was doing. He was infuriated, however, that Lovely Smith, whose brains were perhaps not entirely vegetative, had seen him with Carn.

Having sold the man gold, Lovely knew Stinson fairly well. He had seen Carnwell before, and had heard grisly tales concerning his activities. Local prospectors—more than a few—believed the man had carried out several robberies that allegedly remained unsolved, but nobody had proof or dared accuse him. Even the most respected citizens feared men like Carn, believing that the uncontrollable brutality and the subconscious self-destructiveness of such men placed them outside the boundaries of rational calculation, beyond the reach of reward and punishment.

Lovely hoped that his demeanor would not betray the alarm he felt upon coming across these two men; he was especially fearful of Carnwell, because of what he knew of this man’s reputation. He decided to suppress his fear and try to bluff his way through the encounter. He stepped closer to Doc—the animal had become a little uneasy, more than a little—and he said a few soft words of reassurance. His eyes then focused on the revolver swung low on Carnwell’s hip, its holster anchored firmly against a massive thigh covered by striate and faded leather that made the heavy gun look small like a scorpion scurrying across a rock. He forced himself to look away.

“Mornin’, Frank,” he said coldly, as he tried to walk confidently a few steps toward the two men, “I guess I’m just a little over-enthusiastic in my sampling. Mainly jus’ the usual placer trash.” Again, when he stopped talking, Lovely felt the nausea.
“Let’s see what you found, Smith,” said Stinson. He had heard immediately the frenzied exasperation underlying the soft tones of Lovely’s voice, a pentimento of conflicting sounds, conflicting emotions, and in his professionalism he knew that such feelings visited drunken prospectors only at moments of discovery or death. And he knew that, in all likelihood, Lovely Smith had the same immense and unreasoning fear of Carnwell that he, Stinson, had sensed long since among so many miners; a fear that dumbfounded him, because among these same miners the least amount of cooperation would have enabled them to kill Carnwell easily.

Lovely noticed that Stinson also wore a gun; he focused his eyes on it unbelieving, never before having seen this gentleman with any sort of weapon, and again he forced himself to look away, forced himself to deny to these his tormentors and to himself the presence of instruments of his own mortality. He reluctantly removed his sample sack from Doc’s load, and reached into it. He tried to find a relatively unimpressive rock—but none of his sample rocks was unimpressive, and he knew that Stinson and perhaps even Carn would wonder, within only a few seconds, why one had to fondle and sort, so carefully, what one had called worthless trash. He finally grasped impulsively a random rock and handed it to the assayer. Stinson took it. He looked at it closely, hefted it repeatedly and with pleasure as if it were a child’s catchball, looked at it again, looked at Lovely as if he were about to say something, then checked himself and returned to examining the rock. Stinson’s heart soon began pulsating so wildly that he turned aside subconsciously and raised his arms slightly to cover his chest, lest Lovely realize that he, Jim Smith, James B. Smith, had gained everything—and was now at risk of losing everything. Lest Carn realize too quickly what he himself stood to gain.

“Maybe a coupla good rocks in this bunch, Stinson,” said Lovely. “Sure wish I could find a few more.” His voice sounded dry, broken, broken in the way of a much older man’s voice; filled with fear despite the fact that he fought this fear just as he had fought the nausea. He moved, he shuffled his feet, still attempting to be as nonchalant as possible. Distracting the two men and covering the fear that he knew was now become visible, he began vigorously and meanly to brush dust and debris from his clothing, furious that the rifle in Doc’s pack—its stock visible, but on the opposite side of the animal’s thick body—were not in his hands at this moment. Otherwise, his mind was empty:
He did not think of his future found and his future perhaps already lost—he did not think of Kansas.

“Looks like this could be somethin’ worthwhile, Smith. Maybe we can work up a deal. Ya know? It’s been a while, Lovely.”

While Stinson examined the rock sample, barely listening to or noticing Lovely, Carnwell sat calmly on his horse watching the old prospector with a contemptuous smile. Carn knew little about gold, but he sensed an immense tension in this worthless old drunk, and he knew that this tension would never have derived from Smith’s usual day-to-day and month-to-month struggle: whores, whores negotiable when desperate, but mainly neither; whores and mud; mud and liquor; charred cottontail, jerky with cracks lined in mold; half-rotted acorns. This sustenance often appropriated from Carnwell’s own business associates or from other prospectors unwilling to eat such trash. Stinson acted as if he were still studying the rock specimen, but he was merely staring at it and thinking patiently, carefully, about what he would do next. He knew full well that this stone was rich in gold, and that there must be several such stones in Lovely’s pack; he suspected that Lovely had made a valuable strike. He convinced himself that he had to find some way to deceive Carn, Carn in his priceless stupidity, into believing that these stones had no special value but that it might be worthwhile to talk to Smith about his most recent explorations.

Stinson realized that, with a little luck, it would be easy to kill Carn immediately, right here in this place that was almost certainly of no interest to potential intruders—there had been no sign of anybody, all morning—if he were to kill the giant with four bullets while saving the last two in case it became necessary to control Smith. But Stinson also knew that getting rid of a horse and rider, a rider huge and near impossible to move as dead weight, would be a chore extremely demanding; Carn’s gargantuan horse, furthermore, might run in panic. Stinson could use the animals to drag Carn’s body to some hidden place, but the terrain on either side of this rough trail was uneven and rising and filled with rock outcroppings and difficult foliation; and dragging the body, or even possibly tying it to the back of the horse, and then somehow disposing of Carn and his horse and tack, would take far too long, would be far too daunting.

By now on the edge of desperation, Lovely envisions himself reaching across in a continuous motion and raising his rifle by the stock, as if he were pulling a pistol from Doc’s pack, swinging it end-over-end above the mule and firing first at Carn and then at Stinson, if necessary; but he was not sure that he
had placed a bullet in the firing chamber, and he feared that at least one of these men—most likely, Carnwell—would stop him. Nor was he certain at all what Stinson would do.

He decided to try a bluff. He would walk to the opposite side of his mule.

“Well, I’ll tell ya, gents, this danged mule’s been jumpin around like crazy all morning. I think maybe somethin’s spooked him—could be an Indian kickin around out here followin us, ya know? I’m thinkin maybe I better carry my rifle on the way back into Havilah.”

As he said this he turned, rubbed his hands against the seat of his pants, took a step.

At this same instant Stinson made his own decision—he had decided to set in motion a subtle and complex maneuver, a deception that would enable him to control this situation entirely: He drew his pistol and pointed it at Lovely, startling his own horse but maintaining a careful aim. At the same instant, for some unknown reason or perhaps as a final exercise in futility, Lovely looked back searingly at Carnwell and was mortified to see that the hint of a smile suddenly had become radiant as the man’s huge, atrocious face came alive and brightened with a child’s anticipation that Lovely had not seen in the face of any child for perhaps twenty years. Lovely realized that, in their own special settings, both of these men, especially Stinson, often had appeared to him to be mere children.

“Where’s your marker, Lovely?”

Saying nothing, Lovely couldn’t believe what was happening to him.

“Look, Smith, you’re nothin’ but no good white trash outta, outta—what is it?—Oklahoma? Pike’s County? Uh, uh, Kansas? Who the hell cares. I just can’t see you bein burdened with a good claim, so we mean to relieve you of this crushing responsibility, hey!” Stinson laughed. And Carn, whose face momentarily had lost its radiance, smiled again warmly when he more or less comprehended Stinson’s apparent double entendre.

“Pull that pick ax off your pack, Smith, and throw it down to the ground,” he demanded.

As Stinson had anticipated, Lovely didn’t move. Lovely stood staring at the leveled gun, unbelieving, helplessly. Stinson’s horse now calmed completely, as if it were concentrating sharply on the complex enactment as it transpired
around her, and the three animals stood still and silent and erect, and the three men said nothing at all for several seconds.

Stinson glanced at his partner. He spoke softly, deliberately. “Carn. Listen. Get down off your horse and take that pick off the mule.”

“What?”

Stinson was furious, but he remained calm. “Carn, I want you to dismount off your fucking horse and get the man’s pick ax offa that mule, and make sure he doesn’t take your gun off you in the process. You can see the mule’s fixin to run.”

“Ah,” said Carn, finally realizing, finally surmising, why Stinson wanted the ax. He dismounted and walked slowly and carefully toward Lovely and the mule. Doc looked suspicious, turning his head slightly to follow the giant’s slow, cautious approach, but he allowed Carn to remove the ax.

Carn looked at Lovely, and then again at Stinson. “Le’ me take care a this, Frank—nice and quiet,” he said with a smile. But then he thought he saw the departing flash of a frown on the face of his partner, and he dropped the ax to the ground.

A bludgeoning death by pickaxe was attractive to Carnwell because it was often silent and always economical; the threat would have terrified Lovely were it not for the flying insect that buzzed loud and struck his eye hard, painfully, and as his head snapped backward and his hand came up toward his face, Frank Stinson, Assay & Amalgamation, seemed to react to this spasmodic movement as though he were defending himself, and he fired his gun. Carnwell jumped back as if he had been struck by the full force of a .44 caliber bullet, bounding perhaps three feet from the place where he had stood near the mule, and at this same instant he drew his pistol. Lovely had already fallen hard to the ground, thrown backward by a bullet that tore through his heart.

Lovely gazed upward, again as ever hopelessly, at the brightened firmament empty now for near an hour of stars faded to nothingness, and his body twisted to one side and his uncontrolled and undefending eyes screamed blood and he saw directly, he cast a clear survey line, into the searing fires of the low morning sun and was blinded, and there were no stories playing across his obliterated memory, there were no brief histories of a happy and fulfilling life, nor of a wife; for in the few seconds of Lovely’s final breath and ultimate delusion he himself had become a facsimile of the earth, his own body now had encompassed and contained all the elements that had defiled him and had
defined the lifelong sorrows of his existence, and the one perfect treasure, the one exquisite golden stone of his imagination that surely would have initiated the deliverance of his vanquished soul, had now in this warping dream torn through him entire, had invaded his core and his infinitude and had ripped through him and ripped away all his substance and all the memories—the few unshattered memories—that he had loved, and the treasure had disappeared instantly forever, and had left him empty.

The two men did not notice that Lovely’s right hand still touched his face as if he were pondering something of unaccustomed urgency. Nor did they notice—at least not immediately—that his other hand still gripped his sack of golden stones.

Carn’s horse now twisted and snorted and backed away as Carn holstered his gun and moved toward the horse and took hold of the reins, and Stinson’s horse still did not react at all. Stinson watched Lovely die. For a long moment he sat motionless and in complete silence as if it were he whose life finally had been stilled, and yet even within this quietus he was alarmed and angered by the immense feeling of erotic excitement that pervaded his body—as death, for this brief moment, carried out its final responsibilities.

Stinson turned to his companion, who was still trying to pacify his horse. He shouted. “I think the filthy bastard struck it rich, Carn. Let’s get ‘im into the ground, right now.” For the greatest benefactors of one’s life, pure hatred.

Carn mounted his horse, hesitated, pulled himself forward a little in the saddle in order to adjust his weight, and then appeared to settle back comfortably, defiantly. Stinson, acting as if he were distracted, allowed his revolver to waver ambiguously in his partner’s direction. Carn’s pistol was now holstered and he didn’t dare take hold of it; he had never relished an even match. Again calming his horse, and not intimidated at all by Stinson’s drawn pistol, he was becoming fully absorbed in watching the blood swell from Lovely’s chest and in trying to understand the ultimate mumblings of death. Obediently, slowly, unable to imagine how he could take the upper hand, he dismounted once more and walked toward Doc, holding his horse’s reins. Already shaken by the gunshot and by Lovely’s collapse, the mule moved quickly away and, as Carn awkwardly released his horse and lunged toward Doc, the mule bolted into a full gallop, moving sidelong and then in panic turning suddenly straight away from the source of his fear and then slantwise around rocks or foliage or depressions in the sand.
“Don’t let that damn mule get away!” Stinson shouted. “If he ends up in Keyesville, somebody’s gonna wonder—”

Stinson shot at the mule, a wasted shot with no effect. Doc galloped off, thoroughly frightened, and disappeared into an adjacent arroyo.

“Aaw, let him go,” said Carn. “What the hell do we care if the mule does come back? What does anybody care? What did the old bum find?”

Stinson knew that if the mule wandered into Havilah or Keyesville, there could be serious consequences. He decided that he would wait for several days, perhaps even longer if circumstances demanded, before filing a claim. Glancing contemptuously at his partner, he got off his horse still holding his gun. He watched Carn carefully, without being obvious. Ignoring Lovely, who was either dead or nearly so, he picked up the sack of sample rocks. He still had four shots, and he was tempted to kill Carn without warning—but again he decided against trying. Even if he shot the big man he couldn’t be sure that Carn would collapse before he could fire his own gun; he knew Carn was powerful, that his carcass already carried fragments of at least one lead bullet, said to have been placed judiciously by his own father on the same early morning when the father finally had massacred Carn’s mother and the paltry life that the two men had left her; Carn had placed slightly higher value on her productivity relative to the minimal cost of her upkeep. Between Carn and Stinson, at this moment, there appeared to be a stalemate. Besides, Carn could still be useful. Lovely had to be buried, and his claim marker—if any—had to be found. Stinson didn’t especially want to do the job by himself; and by no means would he wish to assume the onerous responsibility for disposing of two bodies, animals, and tack.

“We gotta get him outta here and find his marker, and then I want you to get to work with that pick. Get him down far enough that we can cover him with rocks and sand and stuff.”

“Damned if I’ll drag the filthy bastard around.” Carn was beginning to think—or so he thought.

Stinson whirled impulsively, his sixgun pointed at the ground below Carn’s horse. “Look Carn, for once get smart! I could kill you right now if I—listen, Carn, dammit, if you have any sense at all, you’ll do as I tell you. I’ll cut you in on this deal and we’ll both be rich! This looks like a hell of a strike. You see that stone? You don’t stand a chance of filing alone on this claim—not with your reputation. And you don’t know what you’re doing on the legalities. I need you and you need me.”
His reasoning, he thought, was beginning to take effect. “Now get the goddamn pick and load him up and let’s get to work! I gotta get back to my office. And I’ve gotta search the old bastard, now he’s maybe fixin to shut the hell up.”

Carn stood stubbornly, his eyes on the gun in Stinson’s hand. Could he move aside, pull his gun and shoot before Stinson could fire? He pondered this situation for a long moment, and had nearly convinced himself to take a chance. He looked into Stinson’s face: Despite his own mindlessness, he discerned an intelligence that appeared to be reading his own thoughts. He knew that Stinson was ready, having no further alternative, and would be able to fire at least once and probably twice. Then, in another unanticipated instant of reflection, Carn realized that Stinson was right about the question of filing—especially in a situation where Stinson had disappeared, leaving Carn without a benefactor—and he decided not to try for a clean kill. He slowly relaxed his powerful body, turned his eyes down to look at Lovely, returned to his ambiguous smile, walked over to the place where the pick ax had fallen, and took hold of it.

“You gonna help me dig this hole, partner?”

“Sure. I told you we’re in this together. But I need to check his clothes. We have to find his cairn, and a good place to unload ‘im.”

“How about puttin’ that gun away then?”

“All right. I’ll put it away. Just don’t get any bonehead ideas. If you and I play this thing right, we’ll both come out rich. If you think you can develop this claim alone, you’re wrong and you know it. Too many men around here are suspicious of you, and somebody’d bring in the law. And I don’t think you wanna give this claim to that fool Bernhard.” Of the existence of a claim, of course, Stinson was not entirely certain.

Furious at being forced to trust Carn, Stinson reluctantly put away his weapon. The truce held.

The two men had minimal tracking skills, but it took them only a few minutes to find Lovely’s cairn; the derelict had been careless in the ecstasy of his final moments. Stinson wrote and signed an evidence of discovery—carefully, deliberately, with mild excitement, as if the discovery had been entirely his own. Together the two men deepened a small sinkhole and dumped Lovely and all his life and all his hallucinations into it. They covered the place firmly with rocks and sand, and carefully erased the marks of their digging.
“Now, what’s all this drool about an Indian’s face?” he asked, more or less rhetorically. Then, deciding to change the topic, he quickly inserted his own claim document into Lovely’s tobacco tin and returned the container again into the small monument of stones. “This use to be my brand,” he said. “Ya know, this, uh, cross thing he’s packin’.”

He stood up, looked at the cairn. Then he chuckled, imagining that Lovely’s monument had already wandered offended, slightly upslope, from the worthless cadaver and the worthless life that it could have served to mark. Carn watched, acutely aware of nothing more than his own inability to write.

“What’s funny?” he said.

“Nothin.” As all traces of humor vanished from his face, Stinson found himself contemplating the irony in the fact that this had been the first instance of his life—even including his desperate years at Harvard—in which he had committed a killing entirely by his own hand; and yet, to his knowledge and gratification, the many henchmen of his thirteen years in California were themselves all securely dead except for this one bloodthirsty and paramount mind-crippled murderer whom he truly feared and who now knew his secrets in full. With his pistol in its holster he felt, at this moment in the presence of Carn, an extreme anxiety.

The two men rode away. Stinson, within a short distance, stood his horse several times, turning and looking back toward the scenes of death and discovery. And thinking, carefully. He intended to report his discovery, after a reasonable delay, in Havilah—or perhaps some other jurisdiction where a lucrative filing would attract less attention. This crime had placed him in an awkward situation: If anybody noticed the disappearance of Lovely Smith, it would look suspicious, at least among his enemies, if he, Stinson, were to file a valuable claim at approximately the same time; yet, one does not delay for long in filing such a claim. Moreover, Stinson had no choice but to ignore the mule now carrying everything that remained of Lovely Smith’s life, and wandering somewhere in the complex of canyons and hidden tributaries that surround Havilah and Keyesville. Nor had he or Carn seen the frightened but prudent Tübatulabal who had watched every detail of the tragic proceedings and had understood not a single dimension of them beyond the magic of the rocks and the solemnity of the sacrifice.

Thus the social contract, among thieves and murderers: requiring nothing more than that each side, or each of many sides, have weapons of substantial
power—and near equal in their deadliness and in one’s ability or inability to
defend against them.

Running madly across the terrain, Doc tried desperately to elude his own private
terrors, randomly covering a sizable distance and eventually re-tracing his own
angled and off-balance prints and returning to the place of his master’s demise
as if having overlooked to blot away totally the nearly obliterated evidence of it.
Again he galloped in terror, leaving Lovely’s life and death far behind. Finally,
exhausted, he stopped to rest. He was standing in a narrow arroyo thickly
overgrown at its floor, the high walls of it reflecting the contrast of shadows
against the light of the morning sun. He lowered his head, and then quickly
raised it back as if offended by some trivial detail of animal or plant or stone
that he had discovered upon the sand. In his panicked flight he had failed to
smell or to see the huge grizzly that now bore down on him with a roar that
came from everywhere. No match at all for half a ton of ferocity, the
overburdened mule was shielded by his pack for a few seconds of slow
movement filled with nothing but conscious and pervasive terror, as the bear
changed the venue and pulled the mule downslope and falling and then exposed
in its vitals onto open ground between immense boulders where a mighty
forearm slash severed the mule’s neck to the spine and then quickly severed the
abdomen and ripped it apart, spilling it just as the bear had spilled the provisions
bag of a desperate miner slaughtered days before. The bear then tore at the
carcass and splattered the blood and the flesh across the sand. Nor did he eat,
not at first: He tried to destroy the hated man smell of the mule and of the
contents of its belly, and his powerful slashing blows soon tore away Doc’s pack
and flung it clear of the blood and the carnage.

Finally, his rage exhausted, the bear ambled off in calm search of grubs
and berries. Within minutes the ever-present bluebottle flies swarmed around
Doc’s disassembled remains, and in the growing heat of the day the iridescence
of these flies in the brightness merged with that of the bloating as the bloating
slowly raised and expanded itself into its own iridescence streaked in shades of
blue and orange, and the flies were followed promptly by myriad crawling things
that came to claim their part of the feast; and with the coming of darkness, the
coyotes.
The Indian waited until he was sure that the white men would not return; again he began to follow the trail of the mule. He did so with reluctance, caution, because he feared that if he were found in possession of the mule or the rifle of a white man who, for whatever reason, had been killed in secrecy by his own people, even a man who had appeared already to be half dead and who always lived away from his people and who always held the white man’s mad passion for crushing worthless stones, he would be tortured and bludgeoned to death: He had heard on many occasions, until he finally came to believe them, the old stories of murder done close up, with hatchets, because bullets could not be wasted by the white men in sport, and of the slaughter of Yokut men and women and children in the valley of death—the place the white men themselves had said was a valley given to the shadows of death, the shadows of those murdered without reason, of those who walk forever through that same valley—when they were driven to the place now called and written Fres-No. And he knew of the place near the river, toward the part of the earth where the sun appears and where memories of his people have fixed themselves, wherewithin thirty-five young Indians had been shot or sabered because a few men in starvation were thought to have stolen cattle, and the one survivor, who had some understanding of English, had heard the words of a blue-coated leader of the soldiers: that these “examples” would “crush the Indians and end the war of the valley,” the valley of the shadows.

How does one win a war, he asked himself with a smile, by cutting to pieces boys who are not yet as tall as the sawed-off shotguns of their fathers?

Still, the young man was curious about the contents of the animal’s pack. Tracking was difficult: The animal had run hard and in panic, and had often run in circles. After perhaps an hour the Indian came to the defile where Doc had met his death. There he halted: This place was forbidden ground, hallowed ground, a burial place of the ancient ones, a place of dangerous spirits. And for some of the dead, for some of those murdered, the Anangat rituals had never been performed; on the day and in the place of death, there had been no survivors to perform them. The tule figurines with their necklaces and their feathers and the proper coloration never had been set to flame.

The Indian turned and walked away.