# THE BATTLE-CRY

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CHAPTER XX—Continued.

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The little town itself lay dismal and helpless, with its shacks scattered over its broken and uneven levels.

Dawn, perhaps, found it hardest; for in this one day Dawn had grown up, and tomorrow would bring the boy whom she now confessed to loving, though she confessed it with self-contempt, leading a force to meet that of her own people, fighting to avenge her father. Juanita, whose eyes could not escape ironical reminders when she glanced down at the Christmas packages, seemed to hear over and over the voice of Anse Havey saying: "I'm doin' it because ye asks it."

She had sought to avert an assassination, and it seemed that the effort would precipitate a holocaust.

Anse was very busy, but he found time to come to her that afternoon. In the bare little hotel lobby the firelight glinted on many rifles as their owners lounged about the hearth.

And in Anse she saw once more the stern side. His face was unsmiling, and in his eyes was that expression which made her realize how inflexibly he would set about the accomplishment of the thing he had undertaken. Then, as he spoke to her, a sudden softness came into his eyes.

"God knows I'm sorry," he said, "that this thing broke just now. I didn't aim that ye should be no eye-witness."

Juanita smiled rather wanly. Old Milt, he told her, would soon be released. "We ain't even goin' to keep him in the jailhouse no longer than mornin'. We couldn't convict him, an it would only bring on more trouble."

"Why was he arrested?" she asked blankly.

"Just to keep him out of mischief overnight," he smiled. "Even the law can be used for strategy."

"What will happen when the McBriars come back?" she demanded in a shaken voice.

He shook his head. "I can't hardly say," he replied.

But the next morning Anse Havey came again and cautioned the two women not to leave their rooms and not to keep their shutters open. All that day the town lay like a turtle, tight drawn into its shell. Streets were empty; Doors were locked and shutters barred. But toward evening, to the girl's bewilderment, she saw Haveys riding out of town instead of into it. Soon there were no more horses at the racks. By night the place which was to be assaulted tomorrow seemed to have been abandoned by its defenders.

Old Milt McBriar had ridden out in the morning, freed but wrathful, to meet the men who were hurrying in. The figure of Bad Anse Havey she saw often from her window, but for the most part the force of Haveys had evaporated.

Then followed another wretched night, and with forenoon the snow-wrapped town settled down to the empty silence of a cemetery, but with early afternoon the new procession began to come in. A long and continuous stream of McBriar horsemen, each armed to the teeth, rode past the hotel and went straight to the courthouse. Then she heard again the sound she had heard on her first night in the mountains, only now it came from a hundred throats.

It was the McBriar yell, and after it came a scattering of rifle and pistol shots. The clan was going away again and shooting up the town as they went, but what had happened down there at the courthouse?

CHAPTER XXI.

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Later she heard the story. The McBriars had come expecting battle. They had found every road open and the town deserted. For a time they had gone about looking for trouble, but found no one to oppose them. Then Old Milt and his son had ridden to the courthouse to demand the keys of the jail. They found Judge Sidering sitting in the little office, and with him, quite unarmed and without escort, sat Bad Anse Havey. When the two McBriars, backed by a score of armed men, broke fiercely into the room, others massed at their backs, crowding doorway and hall.

Judge Sidering greeted his visitors as though no intimation had ever reached him that they were coming with a grievance.

"Come in, Milt, and have a chair," he invited.

"Cheer, hell!" shouted Milt McBriar. "Give me the keys ter thet jailhouse, an' give 'em ter me quick!"

Opening the drawer of his desk as if he had been asked for a match, Judge Sidering took out the big iron key to the outer door and the smaller brass key to the little row of cells. He tossed the two across to Milt in a matter-of-fact fashion.

Five minutes later the McBriar chief was back trembling with rage. He had found the jail empty.

"If you're lookin' for Luke Thixton, Milt," said the judge calmly, "the high sheriff took him to Louisville yesterday for safe-keepin'."

The answer was a bellow of rage. Old Milt McBriar threw forward his rifle.

Anse looked up and spoke slowly: "I reckon it wouldn't profit ye much to harm us, Milt. We ain't armed, an' it would bring on a heap of trouble."

Outside rose an angry chorus of voices. The news that the jail was empty had gone through the crowd.

For a time the McBriar stood there debating his next step. The town seemed at his mercy. Seemed! That word gave him pause. The way home lay through Havey territory, which might mean twenty miles of solid ambush. Anse Havey sat too quietly for Milt's ease of mind. Was he baiting some fresh trap?

The old intriguer felt baffled and at sea. He had grown accustomed to weighing and calculating with gutleful deliberation. He balked at swift and impulsive action. Moreover, if he debated long, he might not be able to control his men. He looked up—to see little Milt, who was fighting back the crowd at the door and locking them out. Beyond the panels could be heard loud swearing and the impatient shuffling of many feet.

"What shall we do, son?" inquired the older man of the younger. His voice had a note of appeal and breaking power.

When Young Milt had ridden out of Peril no feudist in the hills had borne a heart fuller of hatred and hunger for vengeance, but that was because of his father. Now his father was free. For Luke Thixton he had a profound contempt. He saw in the situation only a game of wits in which Anse Havey was winner.

"Well," he replied with a grin he could not repress, "hit looks right smart ter me like thar hain't nothin' to do but ride on back home an' try again next time."

That counsel in the end prevailed. Outside there had been a short, sharp struggle with a mutinous spirit. These men had come for action and they did not want to ride back foiled, but the word of Old Milt had stood unchallenged too long to fail now. Yet he led back a grumbling following and bore a discounted power. They could not forget that a Havey had worsted him.

So the spirit of the men who had come to fight vented itself in the yell and the random shots to which there was no reply, and again a train of horsemen were on their way into the hills.

When it was all over and Juanita sat there in her empty school she was realizing that, after all, the desperate moment had only been deferred and must come with absolute certainty. Christmas was only two days off and her gun-rack was empty. When she had come home there had not been a single weapon there.

There would be no Christmas tree now! The beribboned packages lay in a useless pile. Had school been in session, she knew that the desks would have been as empty as the gun-rack. The whole turtlelike life had drawn in its head and the countryside lay as though besieged.

On Anse Havey's book-shelves were new volumes, for Juanita was feeding his scant supply, and a softer type of poetry was being added to his frugal and stern repertoire. A number of men left the mountains and went into exile elsewhere. These were the witnesses who must testify against Luke Thixton and whose lives would not have been worth a nickel had they stayed at home.

Then came Christmas day itself, bleak and soggy with the thaw that had set in and the moody dreariness of the sky. The sun seemed to have despaired and made its course spiritlessly from dawn to twilight, crawling dimly across its daily arc.

Brother Anse Talbott came over to the school and found both women sitting apathetically by an untrimmed fir tree amid a litter of forgotten packages. The children of Tribulation were having the sort of Christmas they had always had—a day of terror and empty cheerlessness.

"Hit seems like a right smart pity fer them children ter be plumb, teetotally disapp'inted," mused the old preacher. "S'pose now ye put names on them gewgaws an' let me jest sorter ride round an' scatter 'em."

"You dear old saint!" cried Juanita, suddenly roused out of her apathy. "But you'll freeze to death an' get drowned in some ford."

"Thet's all right," the preacher answered briefly. "I reckon I kin go ther route."

It took Good Anse Talbott three days of battle with quicksand and mire to finish that mission. At each house he told them that Juanita Holland had sent him, and the girl was canonized afresh in hearts old and young, back in roadless coves and on bleak hillsides.

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Every evening found Anse Havey seated before Juanita's hearth, studying the flicker of the firelight on her face. Every detail of her expression became to him as something he had always known and worshiped.

Some day Malcolm would come back—and marry her—and then—at that point Bad Anse Havey refused to follow his trend of thought further. He only ground his teeth.

"Ye damn fool," he told himself. "That ain't no reason why ye shouldn't make the most of today. She's right here now, an' she's sun an' moon an' star shine and music an' sweetness."

She did not know, and he gave her no hint, that in these times, with plots and counterplots hatching on both sides of the ridge, he never made that journey in the night without inviting death. He was walking miles through black woodland trails each evening to relieve for an hour or two her loneliness and to worship with sealed lips and a rebellious heart.

On the night before he was to go to Peril to attend the trial of Luke Thixton he came with a very full and heavy heart. He knew that it might be a farewell. Tomorrow he must put to the test all his hold on his people and all his audacity of resolution. He stood at the verge of an Austerlitz or a Waterloo, and he had undertaken the thing for no reason except that it had pleased her to command it.

He knew that among his own followers there were smiles for the power which a "furrin" woman had come to wield over him, and if one failure marred his plans those smiles would become derisive. It was weakness to go on as he was going, gazing dumbly at her with boundless adoration he dared not voice. Tonight he would bluntly tell her that he was doing these things because he loved her; that, while he was glad to do them, he could not let her go on misunderstanding his motives.

But when he reached the school she rose to receive him, and he could see only the slimness of her graceful figure and the smile of welcome on her lips, and the man who had never been recreant before to the mandate of resolution, became tongue-tied.

She held out a hand, which he took with more in his grip than the handclasp of friendship, but that she did not notice.

"Anse," she laughed, "I've had a letter from home today urging me to give up and come back. They don't realize how splendidly I am going to succeed, thanks to your help. I want you to go with me soon and mark some more trees for felling. It won't be long now before they can begin building again."

"I wonder," he said, looking at her with brows that were deeply drawn and eyes full of suffering, "if ye'll ever have time to stop talkin' about the school for a little spell an' remember that I'm a human bein'."

"Remember that you're a human being?" she questioned in perplexity.

She stood there with one hand on the back of her chair, her face puzzled. He decided at once that this expression was the most beautiful she had ever worn, and he sturdily held that conviction until her eyes changed to laughter, when he forswore his allegiance to the first fascination for the second.

"Are you sure you are a human being?" she teased. "When you wear that sulky face you are only half human. I ought to make you stand in the corner until you can be cheerful."

"I reckon," he said a little bitterly, "if ye ordered me to stand in the corner I'd just about do it. I reckon that's about how much manhood I've got left."

Christmas Was Only Two Days Off and Her Gun Rack Was Empty.

But he laughed, too, in the next moment.

The morning of the trial dawned on a town prepared to face a bloody day Long before train-time crowds had drifted down to the station.

As though by common consent, the McBriars stood on one side of the track and the Haveys on the other.

For an hour they massed there, lowering of face, yet quietly waiting. Then the whistle shrieked across the river and each crowd moved a little forward, hands tightened on rifles, awaiting the supreme moment. The deputy sheriffs came out of the depot and stood waiting between the two groups with a strained assumption of unconcern. But when the train arrived it carried an extra coach, and at sight of it the McBriars groaned and knew once more they were defeated.

They had come to wrest a prisoner from a sheriff's posse and encountered trained soldiery. Behind the opened sashes of the coach they saw a solid mass of blue overcoats and brown service-hats. Every window bristled with rifle-barrels and fixed bayonets. Then, while the train was held beyond its usual brief stop, and while those rifle-barrels were trained impartially on Haveys and McBriars, a line of soldiers began pouring out into the roadbed and forming cordons along each side of the track. Both lines moved slowly but unwaveringly forward, pressing back the crowds before their urgent bayonets.

Two wicked-looking gatling guns were unloaded from the baggage car, and, tending them as men might handle beloved pets, came squads whose capes were faced with artillery red.

Shortly a compact little procession in column of fours, with the gatling guns at its front and a hollow square at its center, was marching briskly to the courthouse. In the hollow square went the defendant, handcuffed to the sheriff. Without delay or confusion the gatling guns were put in place, one commanding the courthouse square and one casting its many-eyed glance up the hillside at the back.

Then, with the bayonets of sentries crossed at the doors, the hell in the cupola rang while Judge Sidering walked calmly into the building and instructed the sheriff to open court.

His honor had directed that every man save officials who sought admission should be disarmed at the door.

Luke Thixton bent forward in his chair and growled into the ear of Old Milt McBriar, who sat at his left.

"I've got as much chanst byar as a fish on a hilltop. Hain't ye goin' ter do nothin' fer me?"—and Milt looked about helplessly and swore under his breath.

One onlooker there had not been searched. Young Jeb bore the credentials of a special deputy sheriff, and under his coat was a holster with its flap unbuttoned. While the panel was being selected; while lawyers wrangled and witnesses testified; while the court gazed off with half-closed eyes, rousing only to overrule or sustain a motion, young Jeb sat with his arms on the table, and never did his eyes leave the face of the accused.

It was a very expeditious trial.

Judge Sidering glanced at the faces of Old Milt and young Jeb, and had no desire to prolong the agony of those hours. The defense half-heartedly relied upon the old device of a false alibi, which the state promptly punctured. Even the lawyers seemed in haste to be through, and set a limit on their arguments.

At the end his honor read brief instructions, and the panel was locked in its room.

Then the McBriars drew a little closer around the chair where Old Milt waited, and the militia captain strengthened his guard outside and began unostentatiously sprinkling uniformed men through the dingy courtroom until the hodden-gray throng was flecked with blue.

At length there came a rap on the door of the juryroom, and instantly the low drone of voices fell to a hush. His honor poured a glass of water from the chipped pitcher at his elbow, while Luke Thixton and Milt McBriar, for all their immobility of feature, braced themselves. Like some restless animal of many legs, the rough throng along the courtroom benches scraped its feet on the floor.

Young Jeb shifted his chair a little so that the figure of the defendant might be in an uninterrupted line of vision. His right hand quietly slipped under his coat, and his fingers loosened a weapon in its holster and nursed the trigger.

Then, with a dragging of shoe-leather, the twelve "good men and true" shambled to a semicircle before the bench, gazing stolidly and blankly at the rows of battered law books which served his honor as a background.

There they stood awkwardly in the gaze of all. Judge Sidering glanced into the beetling countenance of their foreman and inquired in that bored voice which seems a judicial affectation even in questions of life and death: "Gentlemen, have you agreed upon a verdict?"

The foreman nodded. The sheet of paper, which he passed to the clerk, had been signed by more than one juror with a cross because he could not write.

"We, the jury," read the clerk in a clear voice, "find the defendant, Luke Thixton, guilty as charged in the indictment—" There, although he had not yet reached the end, he indulged in a dramatic pause, then read on the more important clause in the terms of the Kentucky law which leaves the placing of the penalty in the hands of the jurors—"and fix his punishment at death."

As though relieved from a great pressure, young Jeb McNash withdrew his hand from his holster and settled back in his chair with fixed muscles. Judge Sidering's formal question broke in on the dead quiet, "So say you all, gentlemen?" and twelve shaggy heads nodded wordless affirmation.

Soldiers filed in from the rear. In less than thirty seconds the prisoner had disappeared. Outside the gatling guns remained in place, and the troops patrolled the streets.

For two days the McBriars stayed in town, but the troops lingered longer, and in that time Luke had again been taken back to Louisville.

Once more Old Milt led back a disgruntled faction with no more spirited a program than to go home and bide its time again. When they brought Luke back to hang him, his friends would have one final chance.

A seeming of quiet, under which hot wrath smoldered, settled over hill and cove, but a new note began to run through the cabins of the McBriar dependents. It was a note of waning faith and loyalty for their chief.

Old Milt read the signs and felt that his dominion was now a thing upon which decay had set its seal, and under his grave face he masked a breaking heart. His star was setting, and since he was no longer young and utterly incapable of bending, he sickened slowly through the wet winter, and men spoke of him as an invalid.

With Milt "ailin'," there was no one to take up the reins of clan government, and those elements that had been held, together only by his iron dominance began drifting asunder.

One mill day when a group of McBriars met with their sacks of grist at a water-mill, someone put the question: "Who's goin' ter go down thar an' take Luke Thixton away from ther Haveys now thet Old Milt's down an' out?"

There was a long silence, and at last a voice drawled: "Hit hain't a goin' ter be me. What's Luke Thixton ter me, anyhow? He didn't nuver lend me no money."

"I reckon thar's a heap o' sense in thet," answered another. "'Pears like, when I come ter recollect, mos' of ther fightin' an' fursin' I've done in my time hain't been in my own quarrels nohow." And slowly that spirit spread.

When Anse Havey went over to the school one day Juanita took him again to the rifle-rack, now once more well filled. "Have a look, my lord barbarian," she laughed. "Mars is paying me tribute. So shall it ever be with tyranny."

His Honor Had Directed That Every Man—Save Officials—Should Be Disarmed at the Door.

Slowly, and one by one, Anse Havey took up the pieces and examined them.

"It ain't only Mars that's paying ye tribute," he thought, but he only said: "That's all right. I seem to see more McBriar guns there than Havey guns. It would suit me all right if ye got the last one of 'em."

"Hadn't you as well hang yours there, too?" she teased. "I'm still willing to give you the honors of war."

But he only smiled. "I'll hang mine up last of all, I reckon. Luke Thixton ain't hung yet, and there's other clouds a brewin' besides that."

"What clouds?" she asked.

"There was a bunch of surveyors through here lately," he replied slowly. "They just sort of looked 'round and went away. Some day they'll come back."

"And then?"

Anse Havey shrugged his shoulders "I may need my gun," he said.

Not until it became certain that he must die did Old Milt send for his son, or even permit him to be told of his illness. But just as the winter's siege was ending Young Milt came home, and two days later the mountains heard that the old feudist was dead.

Brother Anse Talbott and Juanita and a doctor who had come from Lexington were witnesses to that leave-taking. They saw the old man beckon feebly to the boy. Young Milt came and sat on the edge of the bed, schooling his features as he waited the final injunctions which, by his code, would be mandatory for life.

They all waited to hear the old lion break out in a final burst of vindictiveness, to see him lay upon his boy's young shoulders the unfinished ordeals of his hatreds. But it was the eye of the father, not the feudist, that gazed up from the pillow. His wasted fingers lay affectionately on his son's knee and his voice was gentle.

"Son," said the old man, "I'd love ter hev ye live at peace ef ye kin. I've done tried ther other way an' hit's kilt me. I'd rather ye'd let my fights be buried along with my body. Anse Havey's goin' ter run things in these mountings. He's a smarter man than me. I couldn't never make no peace with Anse Havey, but the things that's always stood betwixt us lays a long way back. Mebby you an' him mought pull together an' end ther feud. I leaves thet with you; but hit took death ter make me see hit—"

Here he broke off exhaustedly, and for a time seemed fighting for breath. At last he added: "I've knowed all along thet Luke killed Fletch McNash. I thought I'd ought ter tell ye."

A week after the death of the old leader Young Milt rode over to the house of Anse Havey, and there he found Jeb McNash. The two young men looked at each other without expression. Just after the death of his father Jeb would not willingly have renewed their quarrel, and as for Young Milt, he no longer felt resentment.

"Anse," said the heir to McBriar leadership, "I rid over here ter offer ye my hand. I've done found out that Luke is es guilty es hell. I didn't believe hit afore. So fur es I'm concerned, he kin hang, an' I'm goin' ter tell every McBriar man that, will harken ter me ther same thing. So fur as I'm concerned," went on the lad, "I'm against the shootin' of any man from the ha'rel."

Just as the earliest flowers began to peep out with shy faces in the woods, and the first softness came to the air, men began rearing a scaffold in the courthouse yard at Peril.

One day a train brought Luke Thixton back to the hills, but this time only a few soldiers came with him, and they were not needed. Juanita tried to forget the significance of that Friday, but she could not, for all the larger boys were absent from school, and all day Thursday the road had been sprinkled with horses and wagons. She knew with a shudder that they were going to town to see the hanging. A gruesome fascination of interest attached to so unheard of an event as a McBriar clansman dying on a Havey scaffold with his people standing by idle.

But Luke Thixton, going to his death there among enemies, went without flinching, and his snarling lips even twisted a bit derisively when he mounted the scaffold, as they had twisted when he declined Good Anse Talbott's ministrations in the jail.

Since he must die among enemies, he would give them no weakness over which to gloat in memory.

He raised his head, and his snarl turned slowly and unpleasantly into a grin of contempt, and his last words were a picturesque curse called down alike on the heads of the foes who put him to death and on the false friends who had failed him.

Afterward Young Milt and Bad Anse shook hands, and the younger man said to the older:

"Now that I've proved to ye that I meant what I said, I reckon we can make a peace that'll endure a spell, can't we?"

And Anse answered: "Milt, I've been hopin' we could ever since the day we watched for the feller that aimed to burn down the school."

CHAPTER XXII.

That spring new buildings went up at the school and brave rows of flowers appeared in the garden.

At first her college had been a kindergarten in effect, but now as Juanita stood on the porch at recess she wondered if any other schoolmistress had ever drawn about her such a strange assortment of pupils. There were little tots in bright calico, glorying in big bows of cotton hair-ribbon—but submitting grudgingly to the combing of the hair they sought to adorn. There were larger boys and girls, too, and even a half-dozen men just now pitching horseshoes and smoking pipes—and they also were learning to read and write.

In the afternoons women rode in on mules and horses or came on foot, and Juanita taught them not only letters and figures, but lessons looking to cleaner and more healthful cabins.

May came with smiles and songs in the sky from sunrise to sunset, and in the woods, where the moisture rose and tender greens were sending out their hopeful shoots, the wild flowers unfolded themselves. Then Juanita Holland and Anse Havey would go together up to the ridge and watch the great awakening across the brown and gray humps of the hills, and under their feet was a carpet of glowing petals.

Anse Havey had never had such a companionship, and hidden things began to waken in him.

So when she stood there, with the spring breeze caressing the curling tendrils at her temples, and blowing her gingham skirt about her slim ankles, and pointed off, smiling, to his house, he dropped his head in mock shame.

"Only the castle moodily gloomed to itself apart," she quoted in accusation, and the man laughed boyishly.

"I reckon ye haven't seen the castle lately," he said. "Ye wouldn't hardly know it. It's gettin' all cleaned up an' made civilized. The eagle's nest is turnin' into a sure-enough bird cage."

"Who's changing now?" she bantered. "Am I civilizing you or"—her eyes danced with badinage—"are you preparing to get married?"

His face flushed and then became almost surly.

"Who'd marry me?" he savagely demanded.

"I'm sure I don't know," she teased. "Whom have you asked?"

He bent a little forward and said slowly:

"Once ye told me I was wasting my youth. Ye 'lowed I ought to be captain of my soul. If I found a woman that I wanted and she wouldn't have me—what ought I to do about it?"

"There are two courses prescribed in all the correspondence schools, and both are perfectly simple," she announced with mock gravity. "One is simply to take the lady first and ask her afterward. The other is even easier; get another girl."

"Oh," he said. He was hurt because she had either not seen or had pretended not to see his meaning. She had not grasped the presumptuous dream and effrontery of his heart.

His voice for a moment became enigmatical as he added: "Sometimes I think ye've played hell in these mountains."

That spring silent forces were at work in the hills; as silent and less beneficent than the stirring sap and the brewing of showers.

Three men in the mountains were now fully convinced that what the world needs the world will have, and they were trying to find a solution to the question which might make their own people sharers in the gain, instead of victims. These three were Anse and Milt and Jeb, and their first step was the effort to hold landowners in check, and make them slow to sell and guarded in their bargaining.

—(TO BE CONTINUED.)