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## A Nasty Lawyer Trick

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## A NASTY LAWYER TRICK

Robe'rt "Frenchy" Laveque scrubbed the last of the blue mold from the bacon slab and threw his abrasive sponge back into its greasy bucket near the garbage can. After wiping the scrubbed, fatty surface with his own mixture of Ole! Hickory Smoke Flavoring and formaldehyde, he thin-sliced the rancid pork, placed the tray in the big white coldbox closest to the cash register and turned on the red light installed above the ultraviolets in the case. "Don't he look natural," chuckled Frenchy as the tainted bacon took on a healthier look in the bulb's reddish glow. He added a "special today only — 79¢ a Lb." card to the slices, and closed the case as his buzzer heralded arrival of the first customer of this April Saturday, 1944. A rawboned rancher's wife, dressed in a homemade shift of floral design (its fabric once contained a hundredweight of Bak-Rite flour), included five pounds of the bacon in her provisions. While Frenchy watched, she loaded the boxes and sacks into her ancient truck, settled up, clattered across Route 200 and slowly disappeared down the 23-mile lane stretching across the scarred, monotonous prairie. It was a typical spring day in Garfield County, Montana—crisp air, light breeze, scud drifting above patches of snow in the shadowed gullies—and desolation overall. The County was ten days from its first real thaw, which would turn the unpaved roads into mud bogs as the moisture above frost line rose to the surface.

Rural traffic would cease for two to six weeks, and at the Milk Springs General Store and U.S. Post Office, Frenchy was pushing his perishables. Beer, too, would move, and salt, and rifle ammunition, as the coyotes would be out soon splashing after fieldmice deprived of their winter cover. Laveque was well-supplied with these simple commodities, all priced at top dollar. One of three far-flung stores in a county larger than Connecticut, Frenchy's General Store could afford some laxity in competitive pricing.

Resuming his chores, Laveque was halfway through covering partially-spoiled produce with fresh as the buzzer sounded. Into the dim store walked a slight, balding man, his forehead sweaty, his circa 1936 suit a size and one-half too large. Catching his breath at the counter, Elton Saunders, Esq., age 43, Chief (and only) Deputy

County Attorney, dropped four 1/150-grain nitroglycerine tablets beneath his tongue, weathered the hot flash and triphammer headache, then turned to Laveque, who was concealing a last shriveled orange beneath a layer of Sunkist navels.

Saunders shifted his gaze from the pile of oranges to Laveque and spoke softly to the storekeeper, breathing in shallow gasps, aware of each stroke of his enlarged heart. "Well, well," he said, "Frenchy is finally caught in the act. Pale by comparison, however, with the 23 school kids you sent home with salmonella from your Goddamn rotten lunchmeat yesterday. You've been warned enough. Here is a little Health Department 'punkin' for you that is a damn sight fresher than anything you ever sold." Saunders reached into a coat pocket, withdrew a folded white paper and thrust it into Frenchy's hand. "Best read it and heed it, Laveque, or a Deputy Sheriff will bring your stingy ass to town in irons. Not that I'd mind—if it had been left up to me, and not Judge Pattick, this would be a warrant instead of a summons." Pausing to gasp and wipe away the perspiration on his brow, Saunders watched Laveque turn from his normal ruddy countenance to a deep, suffused red. "Saunders," Laveque hissed, "you are a hack and a cheap one at that. The last time you pulled this kind of trick I warned you I'd have your job. Now, you piece of filth, I'll do it. I'll see you starve, you insolent bastard, and your family along with you. Out of my store! Get out!" Crushing the summons into a ball, Laveque hurled it into Saunders' delighted grin, knocking the lawyer's glasses to the floor. He shrieked "and take this with you!"

Saunders' grin widened, and he gave a slight nod toward the door, where Deputy Sheriff Jake Schofield was standing quietly. "Did you see him hit me, Jake?" he asked. Unsmiling, the Deputy nodded and reached into his jeans to withdraw a battered set of nickle-plated handcuffs. At the same time, his off hand slipped the thong off the hammer spur of the .45 Colt single-action which hung at mid-thigh. He advanced slowly toward Laveque, right hand poised lazily above the ivory stocks, cuffs a-dangle from his left. "Both hands on the counter, Laveque, wrists close together and don't even think about movin'. I seen you strike Mr. Saunders here who is a officer of the Court. I make it a third degree assault, Mr. Saunders, how about you?"

"Quite so, Deputy," said Saunders. "Arrest him and I'll file a complaint as soon as he is taken in. We'll lock the store and you take



him to jail. When booking is completed, Judge Pattick will arraign him. Probably about 4:30 this afternoon.”

Purple with rage, Frenchy submitted to the manacles. His jaw moved and Jake said amiably, “No talkin’, Laveque, save it for the Judge.” Reaching across the counter, Jake slowly and firmly propelled the sputtering storekeeper out from behind the cashbox and towards the door, right hand on the butt of the Colt. “No trouble, Laveque, or you’ll wear the shape of this here gun in your hairline for life. Just come along quiet and get in the back seat of my rig.”

Frenchy was half in the Ford when Saunders stepped out on the porch, snapped the padlock on the front door and turned the hand-lettered sign to “Closed.” Voice thick with a Montreal accent which returned under stress, Laveque shouted, “Saunders, for this indignity you will die by my hand, I swear to you.” Saunders only grinned as Jake pushed the quivering merchant into the rear seat and locked the door. The deputy winked at Saunders, then drove away east on Highway 200 in a clatter of loose bearings. The lawyer watched the 1937 sedan disappear behind a rise, then slumped to the steps, prying the lid from the nitroglycerine bottle. He gulped four more of the tiny white pills and chewed them, rubbing their residue between tongue and palate. The rush subsided in a few minutes, and as the numbness extending from chest to left wrist dulled, he silently prayed, “Not yet, please Lord, not yet.” It was 45 minutes and two Digitalis before he felt strong enough to drive into Jordan, type the complaint, and drag himself upstairs to Frenchy’s arraignment in Justice Court.

At 74, the Honorable Luther Pattick, Justice of the Peace, was too old to give a hoot about his reputation, and he cared not at all that Laveque was reputed to be a mean rifle shot, particularly in the dark. “What the hell,” the Judge thought, “I’m damn seldom out after dark anyway.” He read Laveque his constitutional rights and rapped the gavel, setting \$500 bond on Count One of the complaint: Knowingly Delivering Contaminated Foodstuffs. Proceeding to Count Two, Third Degree Assault on a Peace Officer, bond was fixed at \$750. When Frenchy tried to argue, the Judge snapped, “Cash only,” and rapped his Elkbone gavel, a gift from a grateful robbery victim many years before. Jake led Frenchy from the tiny courtroom, in irons, and Pattick addressed Saunders. “You go home, boy, and lay down. You’re all in, and that ticker needs some rest. Frenchy won’t make bond until Monday morning ’cause I sent my Clerk home more than

an hour ago." He cackled in glee. "Now git, and it wouldn't hurt you none to see Doc. Court's closed for the weekend." Saunders returned to his office to sleep, slumped over his desk like a deadman.

Frenchy was awakened by church bells. He was sleeping on a thin straw tick, none too clean, in the Garfield County Jail. He refused the breakfast, and spent the day alternately concocting his defense and dreaming of murdering Saunders with a boning knife. Toward dark he concluded that his honor was at stake, and he began to devise a scheme whereby he could publicly kill the lawyer and simultaneously remove the blemish on his pride. By midnight he was smiling in his sleep.

Monday morning, upon release by his lawyer (who only charged 10% for a cash bond loan, contrary to his oaths), Laveque drove straight to Malta, and spent the day selecting two used handguns—a government-issue Colt automatic .45 ACP, Model 1911, a Smith & Wesson 6-inch Model 20 .38 Special on a .44 frame—and several hundred rounds of ammunition for each. Returning to Milk Springs, he spent the two weeks before his trial over-charging ranchers for provisions and at pistol practice behind the store, firing both pistols at life-size silhouette targets sketched in grease pencil on butcher paper. By the end of the second week, he could reliably fire a six-shot group into the center of the target's "chest" with either weapon in under ten seconds. Cleaning both carefully, he wrapped them and ten rounds of ammunition each in an old shirt.

Curiously, everyone in the pre-selected jury was from Frenchy's end of the county, all customers. Three were independent ranchers, two hired hands, and one a pale and listless farm wife in faded floral cotton. The jurors listened raptly to testimony from Saunders, who was visibly ill; the Health Department physician, Deputy Jake Schofield; the principal of the high school; half-a-dozen afflicted children and their parents, and a fidgety young biologist from Helena who spoke briefly of salmonella and at length on the riddles of microbiology.

On the second day of trial they were less attentive to the testimony of Laveque, and they ignored the impassioned rhetoric of his counsel,



who had reduced two of the children to tears during cross-examination.

The jury's deliberation lasted through one short smoke and a pause on behalf of the farm wife, who still suffered from diarrhea. The verdict was guilty, both counts, with no request for leniency. Laveque's counsel sought—and received—a ten-day continuance prior to sentencing, tried unsuccessfully to recover his bond money, and raised his fee. Laveque waited two hours for Saunders to leave the courthouse, then accosted him in the dusty street, the shirt-wrapped bundle beneath his arm.

"Fine job, Mr. Saunders, sir, and one calculated to put me out of business. But no mind, and to the point—you have cost me far more than money. Your little set-up has cost me my honor, and I demand satisfaction." His backhand slap sent Saunders sprawling, bleeding through loose teeth. Laveque bent over the prostrate lawyer and snarled: "Knowing you are too cowardly to own a gun, I took the liberty. Now choose," and he placed the bundle at Saunders' feet. Saunders raised himself to a sitting position, wiped the blood onto his sleeve, and unwrapped the bundle. Hefting both pistols, he sighted down each, then examined the ammunition. Hesitating, he finally selected the Smith & Wesson, and handed it to Frenchy. "Show me how to load it, Laveque, and satisfaction you shall have, but not now. Tonight, 8:00, here in front of the Courthouse, with witnesses."

Laveque smiled grimly. "Pick me four bullets of the smaller, and you will see that I do not cheat, counsel." Saunders handed him four .38 rounds and Laveque slid them into the open cylinder, flipped it shut and blew most of the windows out of Saunders' car. "You see the effect. You could kill me. I suggest you try." He reloaded with six, and handed the big revolver to Saunders, who watched silently as Frenchy shoved six .45 rounds into the Colt's magazine. Laveque threw the four remaining over his shoulder, and hissed through clenched teeth, "8:00 o'clock, then, and bring whomever you like." Leaving Saunders with the loaded .38, he walked away, the .45 clasped stiffly at his side. Saunders sat staring at the revolver, got up, and walked painfully across the street to the office of his physician. It was not quite 6:00 p.m.

Alone in the livery near the edge of town, Frenchy spent the next hour wrapping his barrel chest with alternate layers of wet burlap and tinfoil to a thickness of four inches. Over this he buttoned a heavy

leather shirt and sheepskin vest, a small gold crucifix in his left shirt pocket. Lastly, he dropped to his knees, prayed fervently and long, and shoved a Latin testament between his vest and shirt on the left side.

Saunders, meanwhile, sat in his undershirt talking with his physician. At 7:40 the doctor shrugged and poured two generous shots of whiskey, and he and Saunders silently toasted each other. Doc then counted 25 drops of an amber fluid into Saunders' glass, and after it was tossed off, replenished the whiskey and raised another toast. Saunders followed with six of the little white pills, then buttoned on his coat. He handed his watch to Doc. He studied the big Smith & Wesson, hefting it on an open palm. He winked and smiled at his doctor, then walked into the street, which was lined with nearly a hundred silent people. The MD followed him out, black bag in hand, face set.

Laveque strode into the center of the street from the shadows, .45 in hand, sweating mightily in fear and under the weight of his armour. Saunders walked out to meet him, big revolver dangling from his small white hand. He was smiling, eyes glassy, and he swayed slightly as he turned his right shoulder to the larger man. Laveque fired first, wild, his shot smashing a courthouse window. Saunders fired, missing Laveque's shoulder. He fired again and Laveque staggered as the 158 grain bullet struck him beneath the knee, its shock absorbed by the bone, which did not break. Saunders got off a third shot past Frenchy's right thigh and the merchant dropped to his good knee, holding the Colt with both hands. As Saunders brought the wavering .38 back on target, Laveque fired four shots. The first struck Saunders in the pelvis, flinging him backwards. The second hit him high in the left chest, arcing him up and around. The third struck him in the right armpit, and as he spun, the fourth smashed through the left scapula, blowing his heart to jelly. Saunders was dead before he hit the ground. In the silence, only Jake moved, seizing the automatic and jerking it away as he kneeed Frenchy to the street and held him there, hand poised just above his peacemaker. Doc examined Saunders, shook his head and pointed to his office. Jake and several other men, galvanized into action, assisted Frenchy to the examining table and stood without a word as the medical man discharged his duty without benefit of anesthesia. The bullet from the lower leg clanged into an enameled pan, the wound was cauterized and



bandaged. Doc opened the vest, cut through the wrappings, and examined the uninjured area beneath it. "You'll live, God damn you, but Saunders is dead. Now," and he turned to Jake, "get this asshole out of my office." As Frenchy was hustled out to spend the night in jail, the doctor reached for the whiskey. When the bottle was two-thirds gone he corked it up and began the nine-mile drive to Saunders' widow's home. She took the news silently, but the three daughters did not. Doc wished he had not left the bottle behind and wistfully thought of the heavy dose of opiate he had administered Saunders before the fight.

Judge Pattick approached the cell where Laveque lay on his straw tick, breathing deeply against the pain in his leg. "Frenchy, you awake? Thought you might like a little something to read. Young Elton copied it off for me today, before you killed him. Too bad he ain't here to read it to you, he sure would love it. Anyway, you enjoy." The old man tossed the folded mimeograph sheets through the bars, chuckled and hobbled to the door. Laveque retrieved the paper, and read as follows:

Section 86.97 Revised Codes of Montana 1935: *Damages for injuries or death inflicted in a duel.* If any person slays or permanently disables another person in a duel in this state, he must provide for the maintenance of the spouse and minor children of the person slain or permanently disabled in such manner and at such cost, either by aggregate compensation in damages to each or by a monthly, quarterly, or annual allowance, as is determined by the court and he is liable for and must pay all debts of the person slain or permanently disabled.

History: Ap. p. Sec. 4353, Civ. C. 1895; re-en. Sec. 6079, Rev. C. 1907; re-en. Sec. 8697, R.C.M. 1921; Cal. Civ. C. Sec. 3347; re-en. Sec. 8697, R.C.M. 1935.

The second and third pages were a civil summons and complaint signed by Saunders' superior as Next Friend of Elton's Survivors. Included in the complaint was an inventory of Frenchy's property, down to the last dime. No one near the jail paid any heed to Laveque's curses, least of all Doc and the Judge, who had by that time finished a second bottle of whiskey beside the muslin draped corpse of Elton Saunders. Neither remembered to adjust Saunders' rigor-locked grin,



and he was buried with it.

Frenchy's civil trial came nearly a full year later. Despite the efforts of his counsel, it lasted less than a day. In defeat, Frenchy returned to the store, and live-in partner Jake Schofield, who had retired from the Sheriff's Office upon having been appointed conservator for the benefit of Saunders' dependents. Jake tallied the books each evening, and having no family of his own, slept on a cot in the storeroom. Frenchy lived primarily on second-quality meat and shriveled produce, while Widow Saunders and the stairstep sisters prospered.

Nineteen months later a drunken Frenchy Laveque was pursuing a coyote across a muddy pasture when he tripped and fired the .45 through his lower abdomen. He was found four days later, after a casual search, having fed the hungry coyotes well. Through careful management, Jake and the Widow Saunders were, in time, able to acquire the other two stores in the County, all of which flourished under relaxed policies of fair trade. Upon Luther Pattick's quiet demise in 1953, Doc sold his main street practice to a young GP from Portland, Oregon, and retired to Arizona to live with an elderly spinster daughter. The newcomer frequently advised old Jake Schofield, still never without his peacemaker, to stop drinking so much Rye whiskey—advice largely unheeded. And in spring, the purpling sage drove the snow from Garfield's prairie.