

THE WHITE BEAN

By CON P. CRONIN.

TO many of the old timers of thirty-five years ago in the territory of Arizona, the term "bad man" had two separate and distinct meanings. There was the bad man of the Henry Garfias, Billie Breckenridge, John Slaughter type—bad in the sense that they were dangerous for any malefactor or law breaker. The other was the murderer with a carefully acquired skill in the handling of a six-gun, and an itchy trigger finger, glorying in the reputation of having gotten his man and proud to add another notch to his gun barrel. Of this type was Frank Leslie—"Buckskin Frank"—and a horde of his kind, but perhaps the worst of all during the early nineties was Pete Burke of Yuma.

Pete was the offspring of a Boston Irishman who landed at Fort Yuma as a soldier in the days when the present town of Yuma was known as Arizona City, and a Sonora Mexican woman. He was tall, swarthy, of a lumbering carriage, a low brow of most pronounced type, the hair line of his head being but about one inch above his eyebrows, and the most shifty and shifting eyes I ever saw on a human. My first acquaintance with Pete Burke was in the spring of 1894 and was rather startling, as he volunteered to take off my hands a job that he figured was up to me, to kill a young chap whom he conceived to be my enemy.

Pete had nine notches on his gun. Four of his victims I knew and for each separate act he should have been hanged, and would be today in any country in the world that observes capital punishment. His tenth killing was purely accidental and resulted in his own killing, as coolly, deliberately and cold-bloodedly as any in which he had figured as the executioner.

The Picacho Mines had recently been taken over by Colorado mining men and in the spring of 1897 were running full handed, a one hundred stamp mill having been installed and working to full capacity. It was a low grade property, had to be worked cheaply and therefore gave employment to several hundred Mexican miners. A Mexican camp was not an altogether safe place around pay day in those times, and it was customary to employ a watchman or company guard who understood the handling of Mexicans. Pete Burke hated a Mexican; he hated him with the whole-souled fervor of an Oriental religious devotee, and gave full and profane expression to his obsession on all occasions. And by the same token the Mexicans of southern Arizona and California of those days hated Pete, but they also feared him.

These qualifications secured for Pete the job of herding the Mexicans at Picacho and keeping them good. He had theretofore served as deputy sheriff and city marshal of Yuma. That he understood his job was manifest by the fact that for nearly two months there had not been a killing in camp, not a case of robbery or theft reported and but very few brawls. It being a new precinct Pete was appointed a special deputy sheriff by the board of supervisors of San Diego county, California, Picacho being on the California side of the Colorado river, about ten miles above Yuma, the Imperial valley and Imperial county of California being then unborn. Billie Horan, saloon keeper and gambler and all around good fellow, was the regular constable and deputy sheriff and in his saloon Pete Burke made his headquarters, sleeping in a small room in the rear of the one-story frame building housing "The Bucket of Blood."

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The day before had been pay day, everything had gone off quietly and peacefully and that night there was to be a *grande baile* in the schoolhouse.

Frank Martinez was a Yuma boy about nineteen or

twenty, fair haired and fair skinned, possessed of a tenor voice, peculiarly suited to the love and folk songs of Old Mexico. He played the guitar well, accompanying himself when he sang. He was a favorite with all.

The ocotillo was in bloom and the hues of the pomegranate blossom were enhanced by contrast with the 'dobe wall of Billie Horan's saloon. The drone of bees gathering honey from the early desert blossoms was the only sound excepting the trum, trum, trum of a guitar picked by "Chico" Martinez, perched on the end of the bar, alone in the room with the exception of the bartender, mucking out after a busy all night session, which was always the aftermath of pay day.

If Pete Burke had not taken offence at some boyish prank of Martinez the night before and threatened to slap his face, the absence of malice might have restrained the mob. And if Pete had not stopped to clean his gun, before turning in after a long night, Martinez would not have been shot.

It was fated that Pete should kill young Martinez accidentally—the only accidental killing Pete was ever guilty of—but to the reasoning of the mob any one of it might at any time be another accidental victim.

Back of the saloon, that is, in the immediate rear, was a room about fourteen feet square that Pete had fitted up with the few necessities of his meagre wants. An iron cot, wash stand and bowl with water pitcher, a chair and a small table completed the furnishings, with the exception of a twelve inch red wood board about six feet long, nailed to the wall with brackets about six feet above the floor from which hung a calico curtain—Pete's wardrobe. The panelling and ceiling of that back room were of red wood also, and in the hundreds of feet utilized not one knot or knot-hole appeared. In the board forming the top of Pete's wardrobe, about four feet from the east wall of the house was *one knot*, in place.

Pete was always careful of his gun. He cleaned and

oiled it daily. That morning was no exception. After cleaning and oiling he twirled the barrel, spinning it like a top, so finely was it adjusted. Then he "fanned" it for a while, fanned it with the thumb of his gun hand and fanned it with the palm of his left hand; good practice for a man who lived by the rule of, fill your hand. Then he loaded the chambers, each cartridge coated with just the proper amount of hard grease for easy action. Pete always carried his gun with the hammer down on an empty chamber, five chambers being loaded. It was an old frontier model Colt's .45. Whether he absent-mindedly slipped a slug into the sixth chamber that morning or not was never known—Pete had no chance to explain—but the presumption was that this slight error in his technic was the method ordained for his undoing.

Carefully counting the lead noses in the cylinder as it revolved he snapped the trigger on what he thought was an empty chamber, and the answering roar spelled death for two. Chico Martinez, dreamily thumming his guitar as he sat on the bar fifty feet away, suddenly straightened, his love-lute dropped with a crash, while his body slowly sagged and with a sudden slump crashed to the floor. In momentary panic the bartender rushed out doors yelling. In a minute a crowd had collected. The company doctor was called, and his examination disclosed that Chico had been struck by a forty-five bullet in the exact center of the neck, through his shirt collar, shattering the spinal column. Pete's gun, elevated at an angle of forty-five degrees, with the care of an expert mechanic, as should be, struck the only knot in the room, on the top of his wardrobe, ricocheting into the body of the camp favorite. Young Martinez never knew when the present ceased to exist. His death was so sudden the doctor stated that he doubted that the boy even experienced the shock of contact.

Pete Burke knew nothing of psychology but he was strong on the functioning of the mind known as a hunch,

and the ominous stillness of the late afternoon and night following his arrest by his friend and chief, Billie Horan, conveyed to Pete's slow mentality that there was something doing. In the back room of Horan's saloon, the same room from which was sped the leaden opening chapter of Pete's Book of Revelations, guarded by Horan, Superintendent Randolph of the mine, and Larry Wren, the local justice of the peace, the unnatural stillness was foreboding. It simply wasn't natural. There should have been profane outcry, an occasional pistol shot, indicative of the outraged sensibilities of the friends and comrades of Chico Martinez.

"I don't like it!" said Pete, "those coyotes are up to something!"

He was assured by all three guardsmen that he was safe, that even if they wanted to, Martinez' friends would never rush the house, knowing as they did that all within were heavily armed, and the Mexicans had a wholesome respect for a shot gun loaded with buck, shot.

So passed the long hours of the night, one man constantly on guard, his shot gun trained on the door, the others fitfully sleeping. But Pete did not sleep. The angry cries of outraged friends of his unconscious victim would have been sweet music to his ears,—would perhaps have lulled him to slumber. But the awful stillness, varied occasionally as the changing wind carried the deep roar of the stamp mill down the canyon towards the near-by Colorado river, was too much for his nerves. Sitting on the edge of his iron cot he repeatedly begged Billie Horan to return to him his gun.

Pete Burke's doom was sealed, just as surely as the united voice of three hundred odd Mexican mine workers could ordain. Quietly and without passion was recounted the killing of Alvarez by Pete Burke on the eve of the election on which Pete was running for constable in Yuma; the killing of Rosas the bull fighter at Tabit's saloon at Fortuna, on which occasion Pete was employed

to collect a bar bill from Rosas or "get" him, and several other killings of which Pete was the surviving principal. The fact that his last victim was the result of an accident mitigated not in his favor. Were it not possible that some one of them might be the unfortunate victim of another "accident?" The law of the white bean* being invoked it was now merely a question of selection. Each man present knew that he might be the instrument selected, and not a man withdrew, not one but who had decided to act his part were fate to select him as the instrument of vengeance.

Early on the morning of that cool spring day, with everything in readiness, every precaution taken to avenge the killing of Chico Martinez, and to protect the executioner, made legal by the old doctrine of the unwritten law of the white bean, an unnatural silence prevailed in that remote canyon on the Colorado river, but a few miles from the Mexican border. The stamp mill had ceased to operate and not a man of the day shift had gone underground. The usual rounders were noticeably missing from the doors of the saloons and dance halls. Sensing the oppressive silence as boding no good to his prisoner and deputy, Billie Horan, after long debate with Superintendent Randolph of the mine, decided on his plan of action.

The buck-board, pulled by two fleet-footed mules, would be used to drive to the office of the justice of the peace, a scant half mile away, and in the event that circumstances warranted they would make a dash for the railroad, thence to San Diego, the county seat, more than

Note: *When Santa Ana in March, 1843, ordered that every tenth man of the Mier Expedition of Texans should be shot, beans were drawn from an olla. William Sanders Oury (see account in Arizona Historical Review, April, 1931, and further mention in Some Unpublished History of the Southwest, this issue), drew a white bean. Black beans meant death. Big Foot Wallace the noted Texas Indian scout,, picked a white bean, gave it to a young chap who had left a family in Texas, drew another white one, saving his own life.—Editor.

three hundred miles away! With Horan driving, Randolph seated on the off side with rifle in hand, Pete Burke, ashen of hue, was wedged between, his heavy body crowding the other two occupants of the seat. Not half the short distance had been covered when from the far side of the assay office a half hundred armed mine workers came on the run, two reaching for the heads of the frightened mules. Randolph, a brave man, determined to protect his mine guard, rose up with rifle in hand when a shot from behind struck him in the calf of the leg, and he pitched to the ground. Horan, wildly lashing the mules with a blacksnake whip, trying to force them free from the hands that held them, failed to pay heed to the fear-crazed Burke, begging in mixed Mexican and English for his gun. "For the love of Christ, Billie, give me my gun!"

The last prayer of Pete Burke was answered by a tall, slender youth of perhaps twenty-two, who, stepping close, answered: "Take it Pete, you got it coming," firing as he spoke. His shot was ineffective, merely causing a slight spurt of dust to rise from Pete's left shoulder. Had Pete jumped from the buckboard on top of his assailant he might have had a chance to wrest the gun from him. Had he reached down he might have plucked Horan's gun from his scabbard and made his last stand a thing for history. But in his panic he knew but fear, the fear of a certain and quick death, a death such as he knew in his soul he had often dealt to others, his victims. And he did not want to die! Jumping from the buckboard, crouching, he started to run, towards the safety offered by the open door of an adobe shack, just a few feet away. The second shot of the boy broke Pete's leg and he pitched forward on his face, crying aloud in Mexican for the love of everything he considered sacred not to kill him. Cool and unhurriedly his executioner stood over him and emptied his gun into his head and back, and the soul of Pete Burke, bad man and nine time murderer, passed on to his accounting.

Full and complete arrangements had been made for the escape of the murderer. A subscription of two hundred dollars had been raised in camp, the superintendent's horse, a handsome single footer, the pride of his owner, was spirited from the corral and awaited, saddled and bridled, with a new Winchester rifle and fifty rounds of cartridges, for the get-away. Without seeming hurry he rode out of camp, down the river to Yuma, where he picketed his horse, crossed to town on the railroad bridge, purchased a change of clothing and needed supplies, recrossed the Colorado, remounted his horse and rode south to the land of his fathers.

Much anxiety was felt at Yuma at the non-arrival of the mail carrier from Picacho. He was due before noon. A substitute carried the mail to the mine that day for the first time since the mill had been in operation. The next day came. Greater anxiety. The mail carrier from Picacho had failed to arrive! That evening about five o'clock both mail carriers, the regular and the substitute, arrived, forty hours after Pete Burke ceased to be a menace to the lives and to the peace of minds of the Mexican population of southern Arizona and the Colorado river section of California. And then came the story of their delay. After the selection of the executioner of Pete Burke a cordon of one hundred picked men who could be relied upon was thrown round the camp, and no one was allowed to leave camp for thirty-six hours after the handsome single footer of the mine superintendent headed south.