

EL ROSARIO C

Trial

I, Arthur White, narrate the events that were the trial of Santiago del Rosario.

The whole proceedings had a comic look.

First of all, it took place in a barn, or stable, or some kind of shed in the grounds of the Hacienda del Rosario that belonged to Syeno Dagos, the ranchman.

Anyway it was smelly, animal smelly that is. Very long wooden hall with a high wooden roof, benches laid out for the public, tables for the lawyers, a chair for witnesses, and of course a grand table and chair for the Judge, who turned out to be Don Fernando Vilar from the neighbouring town of San Miguel, where he acted as magistrate and general political person, he being one of the richest men there. He had agreed with everyone that the case should be kept secret if possible, certainly out of the public eye, and away from the general media of the “outside”. So he had arranged with El Rosario’s leading member, Syeno Dagos, that the trial should take place at Syeno’s hacienda.

Quite crazy, I thought, but there we are. Such a tiny, remote, unknown enclave as El Rosario could improvise its own procedure; one that curiously and comically aped the world’s ways.

And so, it was smelly as villagers crowded into the “courtroom” that hot, sunny, Monday morning, dry and dusty but with brilliant light as usual.

Joanne videoed the entire thing; she brought out cameras and sound, and had a couple of assistants to help.

To begin with, the prosecutor questioned Inspector Hidalgo about the first real clue: the knife.

The prosecutor had an unpronounceable Mexican-Spanish name that was also un-spellable so I have decided to call him simply Mr. Prosecutor. He was medium height, fat, and bald but for a strip of black hair that travelled around the back of his head. He behaved as if he were in a courtroom movie, and more than once the Judge had to ask him to reduce the pomp and keep to the circumstance.

It only worked for a brief time.

So Mr. Prosecutor showed the knife to Hidalgo. Hidalgo was stout, very quiet and middle-aged. He nodded as he held the blade. It had a distinctive handle, fashioned coloured metal; it looked like a tourist paper-knife trinket.

Then Mr. Prosecutor showed it to the jury, no, he waved it, flourished it in the air, thrust it into an imaginary target, brandished it before the faces of the twelve just men. I was surprised that so many august men had been found within the village, but there they were, there they all sat,

youths, middle and old aged, in ties and best clothes, dusty of course. They all sat forward with great earnest intensity, and glared with ocular bulging at the small murderous weapon. Their expressions gave nothing away, until they sat back in their seats, folded their arms over their chests, and they nodded contentedly at each other.

Mr. Prosecutor asked the Inspector three questions concerning the knife.

The first question was: "Where was the knife found, Inspector?"

"It was found still in the chest of the victim, Cesar del Mundo. It had pierced the heart," the Inspector sombrely replied.

And the second question was: "Were there any fingerprints found on the weapon?"

The reply was: "Yes, sir. Only one set of prints were found on the handle. Those of the defendant, Santiago del Rosario."

"Whose knife was it, Inspector?"

"The knife belonged to Santiago. When I presented it to him he declared it to be his own."

That was that as far as Mr. Prosecutor was concerned. He beamed a grin around the courtroom as if expecting applause. There was none.

The Judge asked Santiago if he had any questions of the witness. Oh yes, I forgot to say, Santiago had opted to be his own defence. A choice Don Fernando highly disapproved of.

Santiago declared he had no questions to ask the witness about the knife.

The Judge queried Santiago's statement, but in vain, and so Mr. Prosecutor moved onto his next piece of evidence for the same witness, Hidalgo.

This was to be the footprint.

Yes, the police had found a footprint. Not only that but one of their number had made an impressive plaster cast of it. So set in this cumbersome irregular shape lay a perfect impression of a foot, or more accurately a shoeprint, or some kind of footwear print. The whole cast looked like an exhibit from a modern art museum. It proved a little too bulky for Mr. Prosecutor to wave around at his audience, so he satisfied himself with lifting it off the table on which it sat, and tilting it enough for the jury and the witness to see.

"Where was this footprint found?" asked Mr. Prosecutor.

"By the body," came the Inspector's reply.

"What did you do once you had made the cast?"

"We tested it on some of the villagers."

“And did you find a match?”

“We did.”

“And whose foot did the cast match?”

“It matched the right plimsoll shoe of the defendant, Santiago.”

“You found that the right shoe of the defendant, Santiago del Rosario, matched perfectly with the imprint of this cast. No-one else’s shoe matched?”

“No. There are distinguishing features on the cast unique to that print matched only with Santiago’s shoe.”

“And how did the defendant account for his footprint being at the scene of the crime, next to the body indeed?”

“He refused to say.”

“He refused to say. You mean he denied being there?”

“No. He just said that he had nothing to say about it.”

“Nothing to say. Well, such silence, such refusal won’t work in this court.”

“Mr. Prosecutor, keep to your facts please. I say what works in this court,” interrupted the Judge.

“I beg your pardon, your honour.”

Mr. Prosecutor sat down sullenly.

Don Fernando turned his attention to the defendant and as Judge asked him:

“Have you any questions of the witness?”

Santiago kept silent.

“Have you no explanation to give to the court as to why your footprint should be found as it was by the side of the body of Cesar?”

“I will reply in my statement later.”

Santiago was a very cool-looking customer. He kept his head and his voice both low.

“I wish you had engaged someone to defend you,” said the Judge, “but let us continue. Mr. Prosecutor, your next question please.”

A large multi-coloured poncho was dragged off a table by the prosecutor and shown to the same witness, Juan Hidalgo.

“I have here the exhibit of a poncho,” declared Mr. Prosecutor, his performance back on course with renewed confidence. “Have you seen this item before, Inspector?”

“Yes. The deceased, Cesar del Mundo, was wearing it when we came to his body,” the Inspector replied.

“This poncho was worn by the victim at the time of his death?” Mr. Prosecutor superfluously asked.

“Yes,” Hidalgo replied, equally superfluously.

“And to whom does this garment belong? The deceased?”

“No, sir.”

“Then to whom?”

“To Santiago del Rosario.”

“To the defendant? Santiago del Rosario? This poncho is the property of our man on trial today?”

“Yes, it is.”

“And how do you know that, Inspector?” asked Mr. Prosecutor, turning briskly on his heel, and crouching low to the ground, a dramatic, showy effect.

“It has his name on it,” came the sweet reply.

“His name? How so? Where?”

“If you look around the inside of the neck you’ll see the label.”

Now Mr. Prosecutor flourished the poncho like a matador’s cloak, turned it inside out and found the label. This he showed to the members of the jury, passing along them.

“There we are, gentlemen, a linen label sewn in securely with the defendant’s name clearly inked in, indelibly I would say. And did the defendant deny ownership of this poncho, Inspector?”

“No. He said that it was his.”

“He said it was his. Did he give any explanation as to why Cesar was wearing it?”

“He said that he had lent it to Cesar.”

“You mean our taciturn, our non committal defendant actually admitted that.”

“He did.”

“Ah, did he say why?”

“He said that on the night of the festival he had...”

Mr. Prosecutor interrupted here:

“Inspector, by the festival you mean of course the Day of the Dead celebrations that were taking place that Saturday night...?”

“Yes...”

“The Saturday night Cesar del Mundo was cruelly stabbed to death..?”

“Yes...”

“And this was the time Santiago claims he lent his poncho to the victim of this tragedy..?”

“Yes...he said he had lent it to Cesar as Cesar wanted to go to Santiago’s house to bring Santiago’s wife, Lupita, to Cesar’s house, where he and Santiago were drinking after the festival. And because it was cold, the time being late at night.”

“Around midnight?”

“Yes.”

“The time of the murder?”

“Yes.”

“Thank you, Inspector.”

“I don’t suppose you have any questions on this piece of evidence?” the Judge rather dismally asked of the defendant.

A mere shake of Santiago’s head was the only reply.

“And now,” continued Mr. Prosecutor, rising vigorously from his chair, “Inspector Hidalgo, we come to the motive; for there must be a motive for such a terrible crime. And here it is!”

He held up a piece of paper and approached the witness stand with it.

“Would you identify this for the court please?” he asked of the witness.

Hidalgo perused the paper and declared:

“It is a copy of details of the last will and testament of Francis Browning.”

“Who is?”

“Francis Browning is the true English name of the man we know as Cesar del Mundo.”

“Thank you. In other words, the deceased in this case?”

“Yes.”

“Would you tell us what it says in that paper?”

“After taxation duties and so forth, the will leaves all of the artist’s works to various nations: America, the UK, China and so on. The upkeep of these works is to be paid for by 50% of the money from the estate. A further 20% is to go to Lord Arthur White and his family, and the final 30% is left to Santiago del Rosario.”

“30% of Mr. Browning’s wealth is to go to the defendant. Is that a considerable sum of money?”

“Yes, it is indeed.”

“How much?”

“According to solicitors in England, Santiago’s share amounts to 3 million pounds.”

“That is a huge legacy: 3 million pounds. And when was this will made?”

“Five years ago.”

“Have you asked the defendant if he knew of this will?”

“I have and he declined to answer.”

“Again he refuses to answer. Well, well, well!”

Mr. Prosecutor looks to the Judge and raises a questioning eyebrow, to which Don Fernando responds by gazing at the defendant who reacts to the Judge's raised eyebrow with a lowering of his head. Thus confirming there to be no questions of the witness from Santiago on the issue of the will and motive, Mr. Prosecutor moved on to his final triumphant assertion of guilt.

“Now Inspector, we come to the second body; the second murder; that is the victim: Luis del Rosario. It is my contention that Luis saw the defendant murdering Cesar, and so the defendant had to throw Luis down into the canyon where he was found. I have here a leather necklet, on which hang two silver medallions. Please tell the court where this necklet was found?”

“We found it clutched in the right hand of Luis del Rosario.”

“And whose necklet did it prove to be?”

“It belongs to the defendant.”

“How do you know that?”

“He admitted it when I showed it to him.”

“He admitted it. Did he give any explanation for it being in Luis' hand?”

“Not exactly, he said he had lost it. Or rather, he had not noticed it was missing.”

I thought Mr. Prosecutor ought not to make such claims about what might have happened, and I could not understand why the Judge did not intervene, until I looked at him and saw him to be asleep...or very nearly. I coughed loudly in order to wake him. He jumped from his doze, and, obviously deciding there was no point in asking the defendant to ask questions, adjourned for lunch.

After lunch, only one thing happened.

Santiago took the witness stand to give a statement. I write it down, as best I remember it.

“20 years ago,” he began, “I and Lupita came to know each other well, in the village. We fell in love and decided we wanted to have a child together. So we married in our little church that everyone knows here in El Rosario.

“I was working as a carpenter, but not earning very much. I had not become established.

“We could not afford a house. We could not stay with Lupita’s mother, as she had so many children. So we stayed in my parents’ house, as I was their only child. It was cramped, but we managed. We were patient with each other. But no child came to us. We did not feel at ease, and perhaps this was the reason for our failure.

“Then one day a stranger arrived in the village. He came from abroad. He was an English artist. Of course,

I refer to Cesar. He bought a house from an old guy who was leaving the village. At first, Cesar kept himself to himself. I expect that's what artists need to do. Be alone in order to think and create. Anyway, nobody bothered him. He seemed harmless. I saw him often and gradually I became interested in him, and I think I was sorry he didn't have any friends. So one day, I said 'Hallo' to him. He was shy, and it took some time and repeated greetings from me to gain his confidence enough for him to stop and talk to me. Occasionally, his wife would visit him and stay a while, but never for very long. He introduced me to her. They had no children. By this time, I was becoming very fond of him. I opened up to him and told him how Lupita and I wanted a baby. Lupita had met him, and she too was very taken with him.

"I don't recall quite how it happened, but as Cesar was frequently away from El Rosario, on some visit somewhere to fix up a show, or just to travel, he suggested that Lupita and I could have the use of his house. We were delighted. We were overwhelmed and begged him if he was sure it was all right. But he laughed and persisted, insisted we do as we like, and enjoy ourselves. We promised to look after his home like our own. 'Of that I

have no doubt' was his remark. He was good to us when others had not been."

I interrupt Santiago's flow to comment that by this point in his narration the whole court was spellbound. The air was frozen. Everyone leaned forward, straining to see and to hear. The Judge did not sleep through this. People smiled. Even the animals ceased their usual grumblings and lowings. Santiago's voice was quiet and entrancing.

He continued:

"We became pregnant."

Contented smiles and sighs of "aahs" passed around the entire court. No one moved.

"I don't know how many times we stayed in Cesar's house. But quite a few times. Some just for a night or two, others lasted for a week, or a fortnight. It was bliss for us to be alone and relaxed.

"And, as I say, Lupita began with our child.

"When we told Cesar, he was overjoyed and took a great interest in us, over the following year, through to the birth of our baby, our son, Carlos, whom you all know as Chito."

Of course, all heads turned to see the beetroot coloured face of Chito at this point. He was hiding at the

back of the court, but most of us rooted him out with a friendly eye and smile.

Santiago went on:

“My only defence in this trial is going to be this: ‘Would I murder such a man?’

“I have always thought he contributed to my son’s creation. His kindness and caring helped Lupita and myself make our boy. He gave his home to us. He gave us his love.

“Would I murder such a man, under any circumstances?

“Never: that is all.

“As for the footprint?

“When Cesar did not return from his errand to bring Lupita to me, I became worried and went looking for him. I found his dead body, and wandered away distraught, not noticing I had left a footprint.

“As for Luis, I haven’t a clue.

“I had no idea that my knife and my necklet were missing.

“I can’t imagine how Luis came to be at the bottom of the canyon.

“I just do not know.

“I loved Cesar; that is my case!”

And with that simple statement, Santiago became silent. I don't think he ever wanted to speak in public again.

Even Mr. Prosecutor didn't seem keen to speak.

Thankfully, Judge Don Fernando decided to close for the day, saying we would resume tomorrow with the prosecution's cross-examination of the defendant.

We went home. Drained. Bewildered. Strangely happy. Wasn't it rather exciting?

The jury, the villagers, they were all very anxious, nevertheless.

People felt that of course Santiago wouldn't, couldn't have harmed Cesar, but the EVIDENCE!...the EVIDENCE!

Some voiced disbelief in his statement...what if it's just a sob story?

But then, if Santiago didn't do it.....who did?!?

On the sofa, in the hall-lounge of the Hacienda ranch, Chita is talking with her mother, Marietta.

Chita: I don't understand Chito anymore
Marietta: Why, my dear? What is the matter?
C: He says such strange things
How he doesn't want to marry and
have children
M: oh, it's a phase some men go through
not that he is a man he's still a boy
C: he wouldn't like to hear you say that
M: No, they never do, but don't worry
I'm always very careful about who
hears what I choose to say.
C: Ah, you don't understand
It's worse
He says the family is dead
the nation is finished
I don't understand
M: What nonsense. Why should he say
that?
C: I wish I knew
M: He'll grow out of it

- C: He says the problems of the world
can only be solved by going
beyond these old ways.
- M: Nonsense.
- C: He says the world isn't
a fit place to bring
children into
- M: well no one can help that
but we have to
hold on to our traditions
- C: He doesn't think so
- M: Maybe you should do as your father
says and turn to Fernando
- C: I don't want to marry Fernando
Did you speak to father?
- M: Yes but with no effect
He is insistent.
- C: I feel better for talking to you.
- M: But remember these men
all grow up and do
as we want...you'll see.
You have to be patient...
oh and to trick them...
I'll tell you how.

In their home, Lupita and Chito are seated close, in discussion

Chito: I was embarrassed in court
what is he doing?

Lupita: Your father is fighting for his family

C: oh I'm tired of family

L: how can you say that?

C: If my father didn't commit these murders,
and I don't believe he did,
who did?

Chito is so lost in his own thoughts, staring deep into his open hands, he fails to see Lupita's face lose all colour --- a ghastly white comes to her complexion --- her mind is in pain --- she rises and turns away so Chito will not see

"I have to go out," she says. "I want to see someone. I won't be long."

In his house, Father Rickard is receiving Lupita.

Lupita: thank you so much for seeing me
I hope I'm not disturbing you.

Father Rickard: No. You are most welcome.
The Bishop is in my bedroom having
a lie down. He's here for the trial. I
sleep on the sofa. I'm sorry for your
family's problems.

L: That's what I came to see you about.

F R: I thought so.

L: Father, I think I may have killed
Cesar
and Luis.

F R: How is that possible?

L: Many years ago before ...
before I fell in love with Santiago
I came to know Luis.
We were very young
And I let him take me
in public --- just to bars
and dances, and even to church,
before you joined us.

F R: Father Martin would be here then

L: Yes. Very nice priest he was,
a bit aloof, not like yourself,
I don't mean to be impertinent.

F R: Don't worry. But why are you
troubled?

L: Why should I feel
responsible for these murders?
I don't know. I just wonder
if it might have something to do with

F R: With what?

L: With Luis and me
Well, everyone keeps asking who
murdered them?
But no one wonders
Why were they?

F R: You think that concerns you?

L: But what if jealousy is there?
Luis may have been jealous for me.
I still felt nervous with him,
as if he wished I had married him.

F R: and?

L: I don't know. I just feel
guilty.

F R: Leave these thoughts with me,
and rest assured, you are not to
blame.

L: I just wanted to say what I feel

F R: of course, go home and let us
see how the trial turns out

L: thank you, Father.

Podger Gelding has woken from his nap, and is talking
with Father Rickard.

Podger Gelding: She was very upset then?

Father Rickard: it made me wonder
why was Cesar killed?

P G: Had he wronged someone
in the village?

F R: or outside the village?

P G: you mean from the outside world?

F R: who came in disguise on the Day of
the Dead

P G: and killed him?

F R: Luis saw him

P G: and he killed Luis

F R: the outside factor is strong

- P G: yes, very strong
 we don't know what Cesar
 did out there
 what sins he knew
- F R: yes, and what of his
 claim to me about
 his sin --- his original sin?
- P G: I have wanted to talk to you about
 that
- F R: You think you know what it is?
- P G: I think I know what he meant
- F R: what his sin was to him?
- P G: Yes --- as you know,
 we had to discount all
 the obvious hard ones ---
 so I was left to
 choose from more subtle
 areas of sin --- wrongdoing
- F R: and you concluded?
- P G: his sin was the
 abandonment of those he loved,
 of what he loved
- F R: is that original sin?

- P G: it could be a very
interesting interpretation;
when you think
we all leave love
our parents
our friends
our youth
our homes
and even at death
the world
- F R: the world we have come to love
but what has this to do with his
murder?
- P G: the more I think of it
the more I believe
it has a great deal
to do with it
everything in fact.

In his suite, in the Vacation Hotel, San Miguel, Lord Arthur White is introducing Joanne to two visitors who have joined him for the evening.

Lord Arthur: Joanne, my dear

We have visitors.

Meet T P T, as "Taylor";
and his associate, Joley.

Joanne:

Hi -- Glad to meet you

to Arthur:

Do they know?

A:

Oh yes, and they have help to offer.

T P T

Thomas P Taylor,

and no one is allowed to ask what the
P is for,

is an English cousin of mine,
distant branch.

He is a troubleshooting
consultant, travels
the world, solving problems.

T P T:

Yes. I'm hired to
sort out a mess.

Usually leave a mess
behind me, but nobody
seems to mind.

They pay me very well.

I am sorry to hear
of Cesar's death.

I loved his work.

J: Thank you, but how can
you help?

T P T: Two ways.
My associate here,
Joley, is a forensics
expert, and through
contact with the police
has some evidence to
help Santiago's case.

J: And the second?

T P T: That item is a diskette
that has chased me across
the States, till it caught
up with me recently.
If Joley's evidence is
not enough to clear
Santiago, I will produce

the diskette, but I
have reasons for withholding
it for the present.

J:

This is bizarre,
but encouraging.

Felipe Dagos and Fernando Vilar are walking in the evening around the corrals of the Hacienda del Rosario.

Felipe: I have been offered a post in California.

Fernando: You are going, of course.

Fel: Yes.

Fer: And I'll be left behind,
Whilst you do your great work
Charting and pioneering the stars
I'll remain hidden,
Lost in El Rosario,
I understand.

Fel: Why don't you come with me?

Fer: I'd love to, but ---

Fel: But?

Fer: My father --

Fel: Your father nothing.

He wants what you want.

If you want to travel

With me

Then do it.

Fer: Do you really want me?

Fel: Yes, I do.
I want to share
Everything with someone,
You, as anybody.

Fer: I could manage the house,
I could file your work.

Fel: You could be my secretary.

Fer: Yes, I like that,
I think.

They laugh.

Fel: When this is all over,
then we can go

Fer: we can fly

Fel: and my sister?

Fer: she no more wants me
than I want her

Fel: then we'll fly

Fer: together

Fel: to the ends of the universe

Fer: way up high

their laughing continues