



Weird Tales

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WEIRD TALES ISSUED 1st OF EACH MONTH

On Top

By RALPH ALLEN LANG

A short story of the old West, and a man who was shot dead, yet came out "on top"

SWINGLE'S excuse for the shooting of Shorty Baker was exceedingly flimsy, even when the character of the town and the position of the killer were considered. Shorty was sitting in a game of draw across the table from a bull-necked mule-skinner who had hit town early in the afternoon; and Shorty, in a rare streak of luck, was dragging in pot after pot. It was on the square, all right enough; but bad luck and bad whisky, both in excessive quantities, had soured the big fellow's mood; and as his chips continued to dwindle, his growing sullenness was measured by the deepening purple of a jagged scar across his right temple.

It happened just as Swingle, badge glittering on his vest front, stepped through the door. With an oath, the mule-skinner ripped out the old "cold deck" squawk and threw his cards in Shorty's face, getting a stinging back-hand slap in payment.

It might have gone no farther than fists if somebody at the end of the table had not sent it careening as he leaped away. In the straining necessity of maintaining balance and protecting themselves at the same time, both men went for their guns. The big fellow took it in the flesh of his left shoulder. Shorty was drilled cleanly through the heart, but the mule-skinner's bullet had never touched him. He had been dropped by a shot from behind; and Swingle, the marshal, was ready with words to back up his action.

"That's giving notice that quick-trigger

days are over in Red Dog," he said coolly. "Any gunman who don't savvy that can run, not walk, to the nearest exit—said exit being either by horseflesh or Boot Hill, as they prefer."

He turned a level look upon Steve Craig, Shorty's partner, who had risen from a table in the back of the room. Steve's eyes met the marshal's for a long moment, and it seemed that he was about to speak. Then he turned abruptly and walked to the crumpled form of his dead partner.

THE burying hour at Red Dog was nine a. m., and Steve rose early for the job he had to do, setting out for Boot Hill with a shovel and his thoughts for company. A sleepless night had failed to suggest any other reason for Swingle's action than the one that had leaped into his mind as he faced the marshal across the barroom. The diggings around Red Dog were comparatively worked out, and with a single exception the days of rich pay dirt were over. The single exception was the claim belonging to Shorty and Steve, in which a rich vein had cropped out a week back. Evidently, Swingle wanted that claim, and what he wanted he was accustomed to take by the gun. It had been his means of livelihood through a notorious past, at first on the outer fringe of the law, and later, for a year past, as the official lawman of the hitherto lawless mining town of Red Dog.

Certain things were crystal-clear in Steve's mind as he heaved the yellow

clay out of the deepening grave. One was that Swingle had him marked for the same play that had cleared Shorty out of his way. With both partners dead, the claim would be open to whoever could file on it first—and claims could be filed only through the marshal's office. It was nicely cut and dried for the marshal, and nothing could prevent its successful working except the second item fixed in Steve's mind. This was that he must kill Swingle first, a proposition that presented rather stiff difficulties, considering the fact that the marshal had added to this same Boot Hill a large section containing the remains of some of the best gun-slinging talent in the hills. The chances in an equal fight were not so good; in fact, not much better than the chance Shorty had had with his back turned. Aside from this, the killing of a lawman backed by influential interests in the town might force him out of the country. And the claim was too good to leave. The contemplation of this classic problem was interrupted by the appearance of the marshal himself. Swingle eyed the hole with simulated interest.

"You're crowding six good feet there, Steve," he ejaculated. "Aiming to plant him so he'll stay planted, I suppose. I'll admit Shorty had a way with him of generally coming out on top, but I reckon that ought to hold him down." He indicated with his foot the high-piled mass of yellow clay.

Steve scooped out another shovel of loose gravel before he answered, held silent for a time by a tremendous idea the marshal's words had sparked in his mind. He gazed down the deserted hillside, and along the equally deserted single street of the town. The miners were at their diggings by now, and the store and saloon keepers were not yet astir. It was strange that the marshal had appeared so early,

nearly an hour before the time of the funeral. Perhaps he meant to finish the work started the previous night, claiming self-defense in the total absence of witnesses. He was squatting on his heels by the edge of the hole now, evidently planning no action for the immediate present. Grasping his pick-handle near the head, Steve leaned his weight easily upon it as he replied.

"Shorty did have a way of coming out on top," he said slowly, "in nearly everything. I partnered with him for six years, and he's pulled me, as well as himself, out of more than one tight hole. You downed him last night, Marshal, and this is one hole he'll never pull out of. But at that—this sounds queer, I guess—the notion just struck me that he'll still manage to wind up on top."

Swingle's eyes narrowed ever so slightly as he laughed.

"Every dog has his day," he replied, "but once he's been whipped to his kennel——"

With a short swishing movement the pick swung out and down, punctuating the unfinished sentence with a convulsive gasp. Steve recoiled against the side of the trench as the sprawling form fell heavily forward, pressing backward to allow it to slump at full length on the bottom. Then he began the awkward task of moving the body from side to side while he scooped out another foot and a half of earth. When he started back to town the seven-and-a-half-foot grave he had dug was only five feet deep. And the bottom, packed down hard with the shovel, covered even the handle of the buried pick by an inch.

RED DOG turned out for the funeral at nine o'clock, standing silently with Steve as the last shovelful of earth was mounded over his dead. The marshal had

failed to appear at a funeral of his own causing for the first time, and on the way to the hill there had been comment.

"Oh, he'll be there all right," Steve said. They thought it was bitterness.

Now, as they turned away from the

new grave, expressions of sympathy were forthcoming. Steve smiled wanly.

"He was a good partner," he said simply. "I've seen old Shorty in many a tight scrape, and he never failed to wind up on top."