

# MARSHAL OF TADPOLE GULCH

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Dave threw two shots at Simmons in quick succession

*When Dave Hewson stalks into the Longhorn Saloon, he's ready for a roaring final showdown with a pair of gun-hung gents!*

**T**HE roan pony Dave Hewson was riding loped around the shoulder of a hill and began an easy descent where the trail dipped, and Hewson saw he was within a short distance of the desert village men called Tadpole Gulch.

In that semiarid country seamed with dry watercourses and generously freckled with clumps of dry brush, a gulch was to be expected. But it didn't look like tadpole country.

However, Nature had left a spot of a

few acres fed by an underground stream. It was practically a swamp, with swamp growth and pools of stagnant water covered with thick green scum. Tadpoles were there, hence the name of the village.

Dave looked like the usual saddle man—tall and lanky, about thirty, fairly good-looking, with an easy spring in his stride when he walked, and inclined to be jovial. He wore a sagging gunbelt, and a heavy gun nestled in a holster against his right leg.

He never had been in Tadpole Gulch before, yet Dave was acquainted with its history and the histories of its more prominent citizens. He had studied up well on Tadpole Gulch before commencing his journey from the distant county seat.

He knew that a man named Jed Berge owned a small ranch a short distance from town and prospered despite the fact that he seemed to allow the ranch to run itself. There were certain suspicions about Jed Berge and his prosperity, but not enough real evidence to put before a jury.

Dave also knew that Berge had a sidekick called Lou Simmons, as ornery as himself. The two were generally together to protect each other's backs. Both were reputed to be unusually handy with a gun and totally lacking in reserve when a chance came to use it.

Three weeks before, Bart Parker, a deputy United States marshal, had been shot and killed by Jed Berge. The report said that Berge and Simmons were quarreling in Al Dexter's Longhorn Saloon. Both drew to shoot. At that instant, Bart Parker entered. Simmons swerved aside as Berge shot, and Berge's bullet sped past him and struck Parker, who died half an hour later.

There were suspicions that the affair had been prearranged. Berge and Simmons had built a quarrel over a trifle while both were sober; Parker had entered at the right

moment; Simmons' swerve aside was just in time to let Berge's bullet fly past him and hit the deputy marshal. In official quarters, it was believed Parker had been slain after gathering important evidence. He was about to report things which would have made it possible for Berge and Simmons to be arrested and tried on such charges as cattle stealing, smuggling, armed robbery and murder.

Dave was remembering these things as he entered the village. He pulled his roan down to a walk and straightened in his saddle. Grimly he adjusted his holster. He glanced at the row of ramshackle buildings and located the store of Sam Lantrey, Al Dexter's saloon, and the blacksmith shop of Seth Jones. The three were men Dave had been told he could trust, but he had to move warily and not put any of them in danger.

He dismounted at the hitchrail in front of Lantrey's store. He tied his pony, kicked the dust off his boots, and stretched and yawned. Hitching up his overalls, he strode inside out of the burning sun.

Lantrey, a mild-looking man, almost bald and wearing thick spectacles, stood behind the counter. At his side was a wholesome-looking girl of about twenty-five. Dan blinked to clear his eyes of sun glare, and approached them.

"Want a sack of smokin' and a pack of papers," Dave said, tossing a dollar on the counter. "And I wonder if you could give me some information."

Lantrey adjusted his spectacles and eyed Dave, and said, "I might be able to do that."

"Just rode in. Aim to stay a few days or so. Where can I put up my pony?"

"Corral behind the store with a water trough in it," Lantrey informed him. "I sell feed at decent prices."

"Good! Where can I hole in?"

"Adobe buildin' behind the store.

Three rooms, all empty now. Good bunks. Two ways out if yuh're ever in a hurry and somebody's blockin' one of 'em. My daughter Hannah 'tends to the rooms. This is her beside me."

Dave smiled at Hannah and touched his hat. Hannah liked his smile and gave one in return.

"A man must eat," Dave hinted at Lantrey.

"If yuh've got yore own utensils—"

"I'm travelin' light," Dave broke in.

"Oh. Well, yuh can buy cold stuff from me, or yuh can get meals here. Hannah's the cook, and she's a good one. Or yuh can go down the street where an old Mexie runs what he calls a cafe."

"What do other folks call it?" Dave asked.

"Lady present, so I can't tell yuh."

Dave grinned. "I'll take a room, board here, and use your corral. My pony's got a loose shoe, and I'd better have a new one put on before I corral him."

"Seth Jones, the blacksmith at the end of the street, can take care of that."

"I'll get your room ready," Hannah spoke up.

Dave thanked her and smiled at her again, and she hurried out of the rear door. Dave and Lantrey were alone. Lantrey gave Dave his tobacco and cigarette papers and his change out of a dollar. He eyed Dave again.

"Are yuh the new one?" Lantrey asked.

"My name's Dave Hewson. Just a pilgrim—for the present. Aim to rest here a spell. Might try to catch some tadpoles." He began making a cigarette.

"I asked if yuh're the new one."

Dave thumbed a match and lighted his smoke. "Sometimes, if a man is asked about somethin' he don't know, it's right to get a sensible answer out of him. However, if you're thinkin' along a certain

line, go right on thinkin' that way and maybe you won't be far wrong. Now you don't know much more than when yuh started."

"Yeah, that's right." Lantrey gulped.

**D**AVE went out, got into saddle and loped his horse up the street to the blacksmith shop, where Seth Jones was working on a wagon tire. Jones was a huge man with enormous biceps and keen eyes that peered from beneath bushy black brows.

"Loose shoe," Dave said as he dismounted. "Better put on a new one. Don't want to corral my pony before it's done. Might want to use him in a hurry. My name's Dave Hewson."

"Saw yuh ride in," Jones replied. He snubbed the pony at the hitch ring and examined the shoe. He went to the forge and got his tongs. "Want to ask me anything about the country hereabouts?"

"You tell me whatever you think is interestin', while you're puttin' on that shoe," Dave suggested.

Jones spoke in a low voice and glanced frequently at the open doorway:

"Jed Berge and Lou Simmons ride in from their ranch 'most every evenin' and stay till 'most daylight. They run 'bout two-three hundred head of cattle, yet every now and then sell off five-six hundred and still have their original herd left."

"That's profitable business if you can do it and not get caught," Dave commented. "Must be a new kind of ranch runnin'."

"It ain't ranch runnin', but cattle runnin', if I know what I'm talkin' about."

"Mr. Jones, you're not a very cautious man," Dave told him. "I'm a stranger, and you're unbosomin' yourself to me at all lengths. How you know I'm not a new cowpuncher Berge has hired? You could be talkin' yourself into trouble."

Jones squinted at him. "Yuh might as well pin on yore badge, Deputy Marshal," he returned. "I can see the print of it on yore shirt where the shirt's faded around it. No mistakin' that. Bein' on the left breast, that dark unfaded spot would make a right good target."

Dave grinned. "Sometimes you've got to show a gent a target to get him to shoot—and then the target has a legal right to shoot back. Do some more talkin'. What you're tellin' me is right interestin'."

Jones shaped a new shoe, soused it in the tub of water near the forge, and carried the shoe back to the roan pony. He fitted it and began nailing it home.

"Bart Parker, the last deputy marshal we had here, was a fine man," Jones said.

Dave's face sobered. "He was my best friend and engaged to marry my sister."

"Then, if yuh happen to get into a brawl with certain parties and do some shootin', it's likely you won't miss."

"I won't miss!" Dave declared.

"Anything I can do?"

"Guard yourself," Dave warned. "Don't let on that you're friendly with me. They told me what men I could trust here, and you're one. But remember you don't know who I am. I just dropped in to get a new shoe on my pony."

"They'll prob'ly guess who yuh are. Never get behind one of them skunks so's the other can shoot past him. They've worked that game on two men already."

"What I want, Mr. Jones, is evidence that'll send certain gents to prison or the scaffold. Barrin' that, next best thing would be a shootin' brawl where I could get 'em both."

"Tadpole Gulch ain't a bad place," Jones remarked. "With Berge and Simmons out of here, it'd be decent and law-abidin'. Berge's ranch is only a curtain to hide things. This ain't a ranchin' country."

"But you mentioned cattle."

"That ranch is a relay station on a trail that's followed by stolen herds. Berge and Simmons prob'ly get a percentage. It's a station on a smugglin' trail, too—contraband from Mexico. The walls of the canyon behind their ranchhouse could tell a lot of interestin' things if rocks could talk."

"I'll have a look at that canyon," Dave told him. "Maybe the rocks will talk for me."

"Bart Parker looked at that canyon—and died."

Dave paid the smith for his work without saying anything, and led his pony through the door and got into the saddle. Then he spoke: "You be careful, Mr. Jones. Don't do any talkin'. And ignore me for the time bein'."

He rode down the street, turned his pony into the corral, fed and watered him, and took his saddle and bridle to the room assigned him in the adobe shed. Hannah Lantrey was just leaving.

"Everything's ready, Mr. Hewson," she reported. "I drew water for you—"

"I can pack my own water, Miss Lantrey. A girl like you ain't called on to slave for a man like me."

She dimpled at him. "I hope you like it here," she informed him. "Supper will be ready about sunset."

"I'll try to make it," Dave said. "If I'm ever late for a meal, don't wait for me. Sometimes I'm uncertain in my comin's and goin's."

He unpacked his blanket-roll after she had gone, and got out a fresh shirt and put it on. This shirt did not have an unfaded spot showing where a badge of office had been pinned.

Passing behind the store building, Dave crossed the dusty street and strolled into the Longhorn Saloon. Dave knew the proprietor, Al Dexter, at sight from a

description given him at the county seat. Dexter was behind his bar, and in the place were only a couple of town loafers sitting at a table playing cards.

"Dust in my throat," Dave told Dexter, putting a coin on the bar. "Heard you sell whisky that'll cut through steel, so it ought to cut dust out of a throat."

Dexter grinned and put out bottle and glass. Dave poured a drink and left it on the bar while he made a cigarette. Dexter was middle-aged, fat, rather serious in manner. Dave liked him at sight.

"Just rode in," Dave explained. "Aim to stay a few days and rest up. Sometimes I get powerful tired doin' nothin'."

"So yuh like action?" Dexter asked. "We have a spasm of it here now and then."

The two town loafers, despairing of being invited to the bar by the newcomer for a free drink, drifted out into the sun-tortured street. Dexter bent forward and wiped an imaginary wet spot on the bar with his towel and spoke from the corner of his mouth:

"Are yuh the new one?"

"I'm Dave Hewson. Let's say no more about me."

"From the way yore holster hangs, I'd say the gun yuh're wearin' ain't just an ornament."

"I like to shoot rattlesnakes along the trail."

"There's a lot of rattlers in the canyon beyond the Berge ranch up the Gulch," Dexter hinted.

"Interestin'," Dave admitted. "But I'm like the lazy gent I heard about. He wanted to see a hombre right bad, but was too lazy to climb into saddle and ride out to see him. So he just waited—and sure enough before long the man he wanted to see came ridin' in and saved him the trip."

Dexter bent forward and squinted, then leaned back and shook his head. He said,

"Thought I saw some pinholes in yore shirt on the left side, like might have been made by pinnin' on somethin', say a badge. But there's no pinholes."

"I've got two shirts," Dave replied. "I'll look at the other one and see if there's pinholes in it. Could be."

"If yuh care to drop in later, yuh might meet up with some of the gents hereabouts," Dexter suggested. "Jed Berge, the rancher, may come ridin' in with his pardner, Lou Simmons."

"Jed Berge? Heard of him. Ain't he the man who killed a deputy marshal by accident?"

"He killed him," Dexter replied. "Maybe it was an accident and maybe not. Right out there in front of my bar."

Dave looked where Dexter pointed. So that was where Bart Parker, his best friend and his sister's fiancé, had died. He could visualize Parker stretched on the floor drawing his last painful breath, and Berge standing over him with a smoking gun.

Dave's face became stern. His right hand straying to his holster hinted at his thoughts. He tossed off his drink and turned toward the door.

"Yeah, I think I'll drop in later," he told Dexter. . . .

Dave washed up and went to the Lantreys for supper. He found he was not the only boarder. Sitting in a corner was a fat gray-haired man Hannah introduced to him as Doc Phillips. He was the only physician for miles around.

Hannah heaped food upon the table—ham and eggs, fried potatoes, cabbage, preserves, hot biscuits and thick apple pie still warm from the oven.

Doc Phillips squinted at her. Seems almost like a Sunday dinner, and this is Wednesday," he remarked.

**H**ANNAH blushed as she turned back to the stove. Dave caught her eye and

her face flamed again.

After the meal, Doc Phillips lighted his pipe, so Dave did the same since it seemed to be all right. He liked Doc; the physician seemed to be a sensible, good-natured man who had seen something of the world and of other men, the sort to be trusted. In an unobtrusive manner, Dave brought the conversation around to Bart Parker.

"I got there in a few minutes," Doc said. "But Parker died inside a half hour without regaining consciousness. I—well, I heard the story. Jed Berge was loud in sayin' it had been an accident. A lot of men who were there thought differently. You understand I'm not in a position to do much talkin' about it."

"I understand," Dave replied. "Bart was my best friend, and I'm interested."

He and Doc got up to leave, and Dave managed to forget his hat and had to return for it.

"Mighty good supper," he praised to Hannah, who blushed again. And when she was not looking he motioned for Lantrey to follow him outside.

"If Berge and Simmons ride to town tonight, I'll prob'ly drop into the saloon," he whispered. "Maybe somethin' will happen. If it does, I'd like to have a few reputable witnesses there."

"I could manage to drop in," Lantrey said. "I'll see that Seth Jones does, too. Dexter can be counted on to tell a straight story. And a couple of others. If I might say somethin' to yuh—"

"Say it," Dave urged.

"Well, Jed Berge is a human rattlesnake, and so is Simmons. Any man as goes up agin 'em wants to have his eyes peeled and his ears open and his trigger finger itchin'."

"Mine's itchin'," said Dave.

He went to his room in the adobe building and lighted the lamp after closing the door. A curtain made from a

gunnysack was at the window, and he dropped it into place.

He took his gun from its holster and made a careful examination of it. He adjusted the holster perfectly, slipped the gun in and drew it swiftly half a dozen times, and finally left it holstered.

Then he extinguished the light and went outside to sit on an empty box and smoke his pipe. From where he was sitting, he could see any riders who came into town off the north trail, and the saloon and hitch-rail in front of it.

A bright moon was up and light from the doorway and windows of the saloon streaked out into the street when Jed Berge and Lou Simmons came riding into town. Dave knocked the dottle out of his pipe and pocketed the pipe.

He knew Berge and Simmons instantly from the descriptions that had been given him, but in addition he heard men in front of the saloon greet them. Berge was short and thick in body, and Simmons taller and thinner. Both wore guns with holsters tied down. They secured their ponies to the hitch-rail and entered the saloon.

Dave waited for about half an hour before making a move. His face had become a mask. He was thinking of several things—Bart Parker, his sister, his duty, his danger. But it was not danger to himself so much as danger to the successful conclusion of his mission that held his thoughts.

Finally, he got up from the box, stretched, felt of gun-belt and holster again, and walked slowly toward the street. From the corner of the store building he looked across and had a good view of the saloon's interior.

Berge and Simmons were standing at the bar with a couple of other men. Dexter was behind his bar as usual. Lantrey and Seth Jones were sitting at one of the card tables. Doc Phillips was standing beside

the table talking to them. The usual number of town loafers were scattered around.

Dave crossed the street and sauntered into the saloon and took up a position at the head of the bar, glancing down it as he did so. Dexter approached, and put out bottle and glass when Dave motioned. Dave poured and let his drink stand and began making a cigarette.

Berge and Simmons were watching him. Some of the men had grown silent. Dave lighted his cigarette with a thumbled match and gave a few preliminary puffs. He saw Berge whisper something to Simmons. Then Berge approached him.

"I'm Jed Berge," he said. "Own a ranch up the Gulch. We don't have many strangers visit this town."

"Guess that's so," Dave replied. "The name's Hewson."

"Have a drink?"

"No, thanks. Got one in front of me. I'm goin' easy on red-eye these days." Dave's voice was cold and his manner colder.

"Somebody told me that yuh're the new deputy marshal."

"Nothin' new about me," Dave informed him. "I've been a deputy United States marshal for three years. Got so I know the ropes pretty well."

"How come yuh ain't wearin' yore badge, then?" Berge asked.

"Well, mister, that calls for a little explanation. You see, I wanted to come to Tadpole Gulch on a little personal business. At the same time this place was without a deputy, since Bart Parker got killed. So my boss said I could come and 'tend to my personal business and then take on the job of deputy."

"Nice arrangement," Berge admitted. "Be glad to help yuh in that personal business of yours if I can."

"It's somethin' I've got to tend to

myself." Dave's voice was on edge. Talking to this man who had shot down his best friend and holding himself in check at the same time was one of the most difficult things he ever had done.

"About Bart Parker—that was a sad accident," Berge told him.

"Was it?" Dave asked.

"Yeah. Simmons, my pardner, and me got into one of our jawin' spells, like we do sometimes, and both of us got fightin' mad. We'd had a little too much red-eye."

DAVE said nothing as Berge paused. He leaned his left elbow on the bar, puffed slowly at his cigarette, and stared at Berge coldly.

"I thought Lou was aimin' to shoot me," Berge continued. "His eyes were blazin' and his hands were like claws and he was bendin' forward like he was about to go for his gun. So I went for mine. Just at that moment, Parker walked through the door. Lou swerved aside, and the bullet—"

"I heard about it," Dave interrupted, speaking through set teeth. "There's rumors floatin' around that you're a mighty swift and good shot."

"Well, I—I guess I've got that reputation," Berge confessed. "But Lou slipped and swung aside tryin' to get his balance. If he hadn't, I'd have plugged him sure. His gun wasn't more'n half way out of its holster. And the bullet flew past Lou and—"

"I heard about it!" Dave repeated.

"Yuh act like yuh don't believe me."

"I don't, Berge."

"Oh, yuh don't?" Berge's voice rang with anger.

"That's right, Berge—I don't believe you. Bart Parker had been doin' some good work hereabouts, He'd learned a lot of things, Berge, and had reported some to the marshal. He was after a lot more facts

before sendin' for help and crackin' down."

"What's all that got to do with me?" Berge asked, his manner dangerous. "If he was doin' his deputy marshal's work, I ain't concerned."

"Let's get this straight," Dave told him. "When you fired that shot, was you really mad at Simmons?"

"I sure was!"

"But you're old pardners. Pardners might jaw each other and even get mad, but not killin' mad."

"I was killin' mad," Berge declared, with vehemence. "No question about it. Lou had been gettin' me on edge all day. And he said somethin' in here that touched off my temper. When I fired that shot, I was killin' mad."

"Mean you aimed to kill him?"

"I meant to kill him, yeah!"

"Berge, you're sayin' that in front of reputable witnesses," Dave warned.

"What of it? Everybody knows we'd quarreled and I was killin' mad. And he reeled aside just as Parker walked through the door, and the bullet missed him and hit Parker. I didn't shoot again, 'cause I saw what'd happened, and Lou put up his hands when he saw it—"

"That's enough," Dave said. "Berge, you're guilty of murder. Maybe not first degree, if it wasn't premeditated. But anyhow second degree murder, which can get you twenty years in state's prison—"

"Murder? It was an accident, I tell yuh!"

"Yuh'd better have some good lawyer tell you somethin' about the law, Berge. When you fired that shot, you intended to kill Simmons. You've admitted it."

"And so?" Berge questioned.

"Accordin to law, Berge, in a case of that kind, the intent governs a crime. Ask any lawyer. If you shoot with intent to kill

a man, and the bullet misses him and kills another, you're guilty of murder."

Dave was looking him straight in the eyes, but he was conscious of the deep silence in the place, and of slight movements along the bar. Men at the bar had moved away stealthily to get back against the wall across the room. Lou Simmons had stepped away from the bar a short distance. Berge had stepped away a few feet also and was standing with his fists against his hips.

"Yuh're crazy!" he snapped at Dave. "It was an accident, and everybody knows it."

"I don't know it, Berge."

"What reason did I have for wantin' to kill Parker? He just walked in—"

"Wait!" Dave barked. "You and your friend Simmons are in line now to play the same trick. Only Simmons won't have any excuse for shootin' at you now and missin' you and hittin' me. You and him haven't been quarrelin'. Don't try it, Simmons."

"Yeah, yuh're crazy!" Berge said. "Why would me and Simmons plan to kill Parker like that?"

"Because, Berge, yuh knew Parker had been collectin' evidence against you. He'd been around the canyon north of your ranch. He'd learned your ranch is a station on a stolen cattle trail, and on a contraband trail, too. And you wanted to put an end to his work."

"Yuh're crazy as a loon! Yuh'll have to prove that."

"Oh, it'll be proved in time, Berge. I'm not concerned with that stuff just now, 'cause I ain't actin' as a deputy marshal this minute. That's why I'm not wearin' a badge. I'm tendin' to the personal business I mentioned just now. I'll take on the deputy's job later. Anyhow, the murder charge is a bigger thing. It'll get you a longer term in prison."



“So you’re tendin’ to personal business now and yuh’ll tend to a deputy’s business when yuh get around to it, huh? A fine deputy!”

“As a deputy, I can put you under arrest right this second on a murder charge, Berge, and take in Simmons as an accessory. But, personally—well, Berge, Bart Parker was my best friend. Understand?”

The expression in Dave’s face was an easy explanation for Jed Berge and Lou Simmons to read. There was an instant of silence. Then Berge voiced an oath and swerved aside quickly and went for his gun. And at the same instant Lou Simmons fired past him at Dave.

Dave had expected it. As they moved, he dodged down behind the end of the bar. Simmons’ bullet plucked at his hat, and the second Simmons fired chipped a bit of wood from the rail of the bar within a few inches of Dave’s head. Then, like a flash, Simmons took refuge behind a table.

Dave’s first shot tore into Berge’s right forearm and made him drop his gun. The second hit Berge in the left shoulder and whirled him half way around. Dave darted clear of the bar and threw two shots at Simmons in rapid succession, as fast as he could thump his gun.

As Simmons flung his arms wide and sprawled, Dave felt a blow in the fleshy part of his left leg. The leg started to give away beneath him. He reeled against the bar and clung to it with his left arm and hand, smoking gun still ready.

But there was no need to fire again. Berge was helpless with a broken right

forearm and a smashed left shoulder. Simmons was bleeding from a breast wound.

“Doc—” Dave began.

Men surged forward from the wall on the opposite side of the room. Dave waved Doc Phillips to go to Berge and Simmons.

“Patch ‘em up, Doc! They’ve got to be sent to the county seat,” Dave said. “You can fix me up later. I ain’t hurt serious.”

Lantrey and Seth Jones were beside him, then, supporting him, and Al Dexter was hurrying around from behind his bar.

The other men in the room were crowding forward.

Dave fumbled in a pocket of his shirt and brought forth a deputy marshal’s badge. With shaking fingers, he pinned it to his shirt in the proper place.

“Now, I’m a deputy marshal,” he told them. “Mr. Lantrey, I want a trusted man to carry a message for me to the marshal at the county seat. I promised to send him a quick report if things worked out right. He’s to send me a couple of deputies, and we’ll stake out at Berge’s ranch and soon stop this cattle runnin’ and contraband business.”

“I’ll carry that message for yuh,” Seth Jones, the blacksmith, told him. “Want to go to the county seat anyhow. Dave Hewson, I hope yuh stay on here as deputy. A lot of us hope that, I reckon.”

“Oh, I aim to stay!” Dave said. “I like it here.”

He was thinking of Hannah Lantrey as he spoke, and when he realized he was thinking of her he smiled.