

The Phantom Witness

By Clark Frost

D. A. Mathew Sturgeon was all primed to step into the governor's shoes. But Fate suddenly made him prosecute for murder the only witness to his own gun-laden youth.



AT his desk in the marble-faced courthouse, Mathew Sturgeon, big crisply-handsome district attorney, sat rigid. The keenness to his strong blue eyes was gone. His otherwise alert mind was dazed and uncertain. Yet he dared not let them see how he felt. No, these men must not guess what havoc the sight of this shrunken old self-confessed murderer had created in him.

Of course, there had been no trouble getting a confession. The grizzled little man had calmly admitted his guilt, had willingly signed a statement.

He, Joe Weber, had met the man, Jeff Stringer, in a cheap flophouse at the city's outskirts. They had been friends years before. But once Stringer had cheated Weber. It was over that they had argued. And Weber, displaying a frenzied strength despite his shrunken figure, had caved in Stringer's head with a hunk of lead pipe.

No, it was not the confession that bothered the big district attorney. There was another fact, a fact which as yet had been unmentioned. Joe Weber, this little old man who now sat in Sturgeon's office, had once been the sole witness to another killing. And in *that* killing it had been Mathew Sturgeon himself who had wielded the instrument of death.

There had been a prolonged silence following the signing of a statement by Weber.

"Through with him, Mr. Sturgeon?" asked one of the detectives at last.

The district attorney jerked to his senses. "Yes," he said sharply. "We have his confession. That's enough." Glumly, the shabby old man stood up between the county detectives. But the odd light which had been there from the moment he had first seen Sturgeon still gleamed in his small eyes. The district attorney didn't miss its import.

Alone, Sturgeon's head sagged in his hands.

If Joe Weber spilled what he knew—and what was to prevent him from doing it?—Sturgeon's chance for the governorship was wrecked. But that was but a fractional part of it. Why, his whole life would be smashed, his freedom would be gone. Martha and the children? They'd be known as the wife and children of a murderer.

No, at all costs, Joe Weber must be prevented from talking.

Wildly, Sturgeon's mind raced back to that confused sweltering night, thirty odd years ago

Tonopah, Nevada . . . a boom mining camp. To it as a swaggering eager youth Sturgeon had come, staked a claim . . . and then that damnable night.

In a lonely desert shack, Little Joe Weber, Sturgeon and a long-nosed man from the North named Bill Unger were playing stud poker. All at once there was a hoarse curse. The long-nosed man lunged to his feet, spilling cards and silver.

Young Sturgeon staggered erect, too—swaying belligerently, full of red whiskey. He yanked a six-shooter from his holster, waved it wildly. And then, despite Little Joe's frantic attempts to intercede, Sturgeon blasted it at Bill Unger.

Afterwards, Little Joe had gotten the boy, white-faced and scared, out of the shack. "He's dead, kid," said Joe, "deader'n buzzard bait. You gotta pull stakes *pronto*."

And Sturgeon had—leaving his claim without a backward glance.

But the knowledge of one thing burned into his conscience like a redhot branding iron. For he knew, from scraps of talk he had overheard, that somewhere along the line the long-nosed man possessed a family. A wife and little children.

And finally, so much did this trouble Sturgeon, he cautiously returned a year later, intending to locate and secretly help the destitute family. But no one appeared to know much of Bill Unger. The search was fruitless. Even Joe Weber's present whereabouts were unknown. And Sturgeon was forced to abandon his good intentions.

Those were wild days around the boom town. It was the last frontier of a vanishing West. Men could disappear, like Unger, without too many questions being asked. So young Sturgeon eventually returned East with none the wiser.

There, determined to get ahead, he buried the past completely. He finished law school, passed his bar examinations, and hung out a shingle. For a young fellow, he got along fairly well. Then came the war. By that time Sturgeon was thirty. He went in a private and came out a major. That gave him a substantial boost—politically.

He ran for, and was elected to, some minor offices. He proved to be a vote getter. Then he received the district attorneyship. He was re-elected, a second and a third time. And now at last, Big Matt—as he was called—was primed for the long step to the

state capitol.

But all the priming in the world would avail him nothing with Little Joe Weber on tap, and a thirty-year-old killing come home to roost.

Of course, Sturgeon felt he would be offered a deal by Weber. But on the basis of the direct evidence, any jury would convict Weber. There just wasn't much Sturgeon would be in a position to do.

SO, with tense nerves, Mathew Sturgeon turned to the trial of Joe Weber. Little fanfare attended the proceedings. Few were interested in Weber's fate. But Sturgeon's friends and associates could not help but notice how haggard and nerve-wracked the district attorney was becoming.

For, as the trial progressed, and no word came from Weber, the strain grew greater. At first Sturgeon had been inclined to let things drift, not even bothering to view the body of the murdered man. But later, it seemed logical that by putting on a strong front little Joe Weber might lose his own nerve. At least, it would not harm Sturgeon's cause.

And then one morning, as the prisoner was being led into the courtroom, Weber tugged at his guards and managed to halt them momentarily. His thin bloodless lips twisted crookedly.

"Mr. Sturgeon," he said in a whining voice, "I wanta talk to you—after the trial."

The guards yanked him away. Mathew Sturgeon stood rooted to the cold tile floor.

This then was the game. Little Joe Weber intended to wait until he found out what his sentence would be. After that he would strike. He would seek a pardon. If he didn't get it, it would be just too bad for Sturgeon. And if he did get it, there would be no assurance that the real blackmail would not then start in earnest.

Sturgeon could not repress a shudder. Little Joe Weber, he knew, would have to die. And without too much delay.

Later that same day the jury retired. They were out for a scant twenty minutes. They filed back with a verdict of guilty. Impassively, the judge passed sentence. Life imprisonment.

When Sturgeon returned to his private office, word came to him that the prisoner wanted an audience. Sturgeon nodded briefly. Then, while he waited alone, he slipped a snub-nosed revolver from his desk.

A few minutes later, Joe Weber arrived. His shrunken old form quivered with anxiety.

"It'll be all right," Sturgeon hastily told the guards. "You can leave; I've got this"—he brought out the revolver and laid it lightly on the desk—"I've got this if he tries anything."

THE guards withdrew chuckling. But they were due for a surprise. Sturgeon fully intended to use the revolver—and fast. Weber would be dead before anyone got back in the room. And he, Sturgeon, would explain that Weber had attempted to seize the revolver.

Sturgeon leaned across the desk. "Well, Little Joe," he began softly, "it's been years, hasn't it?"

A crooked grin crossed Joe Weber's wizened face. "So you mind of me, Matt?"

"Sure. I remember." Sturgeon moved to the front of the desk. "Have a cigar?"

Joe chuckled and reached forth.

But Sturgeon's other hand had slipped behind him. His fingers closed over the revolver.

"I been sorry, Matt," said Little Joe as he took the cigar.

Sturgeon smiled as he raised the revolver from the desk. But then a strange thing seemed to take place within him. And all at once he knew that come what may he couldn't kill this man.

Something of what was going on within his mind must have shown on the district attorney's face. At all events, Joe coughed and said awkwardly: "I reckon you always

hated me, Matt."

Sturgeon shook his head. "Oh, no."

Joe waited quietly, but after a moment's silence, he said: "I knowed you come back to Tonopah—askin' after Bill and me."

"Yes—I went back."

"Uh-huh." Little Joe's head bobbed gloomily. "That's how I knowed you'd tumbled to our game."

"Game? What game?"

The old man looked down and fumbled with his fingers. "I mean about Bill and me fixin' to jump your claim."

"My claim?"

"Sure. But it was Bill's idea—him startin' an argument . . . and me aholdin' onto you, so's your six-gun would fire into the ground." Joe sighed. "You was so drunk you figured you'd killed Bill plumb quick."

The old man didn't notice Mathew Sturgeon's eyes widen. His own had become dreamy. "We figured your claim was good. But shucks, it wasn't worth nuthin'. Served us right, I reckon." He looked up crookedly. "Sure you ain't mad, Matt?"

Sturgeon was leaning against the desk for support. His hands were clammy and his forehead moist. "No," he said at length. "No, Little Joe, I'm—I'm not mad." Then, because he felt that he had to keep on talking, he said in a heavy voice: "What ever did happen to— to Bill Unger."

"*That* buzzard!" The dreamy look left Little Joe's old eyes. His cracked voice took on a shrill note. "He was a long-nosed, lop-eared no-good. He cheated me right smart, he did." Joe breathed deeply and his bony fists clenched. "He lit out not long after you was in Tonopah. But I finally come onto him. In this here town. He'd changed his name years back—with I good reason, I reckon."

"Changed his name, eh?"

"Yep. Damned right. Called himself Jeff Stringer. He's the gent I killed, Matt."