

The PENTHOUSE MURDER

by Caleb Johnson

FIRST INSTALMENT
In Elmer Henderson's bungalow on top of the thirty-story Highart Film Company's building on East Fifty-sixth Street near Fifth Avenue, four men were playing poker on a cold January night.

"This is a slow game," growled big Dan Flaherty, The Chief Inspector in charge of the homicide squad of the New York police force was taking one of his rare nights off, and he wanted his fun to come fast and furious. "Four-handed poker's no good. Isn't anyone else coming?"

"Fitz ought to be here any minute now," said Martin Frazier of the District Attorney's staff. "He's usually the first to arrive."

"Some skirt called him up, I suppose, and it's all off," grunted Dan Flaherty. "Funny, the way dames fall for him."

"He's a cookey picker at that, responded Frazier. "Only falls for the live ones. Lydia Lane's his latest."

Even poorer poker players than Dan Flaherty and Martin Frazier would have noted the instant change of expression which came over the faces of the other two at the mention of Lydia Lane's name. Henderson, their host, was the first to speak.

"Studio gossip, nothing more," he said. The words were simple enough, but there was an undertone in his voice which made Dan Flaherty lift his left eyebrow questioningly as he glanced quickly from the speaker to Frazier. "Miss Lane has been rather annoyed by his attentions. Of course, I can't speak for her, but that is the impression she gave me quite distinctly, this afternoon. She was up here, having a voice test, and I took her home."

Archie Doane, the fourth man at the table, had colored deeply at Frazier's careless mention of the popular picture actress. Dan Flaherty's quick glance revealed to the Inspector that he was biting his lips and holding his head rigidly as if trying to control his voice.

"I'd be obliged, gentlemen, if you would leave Miss Lane's name out of it," he said, as Henderson finished. "You will understand why when I tell you that she has promised to marry me."

"I'm sorry!" exclaimed Frazier.

"I had no idea, I hope you'll overlook my loose tongue, old man. You've won a prize, from all I hear, though I haven't the pleasure of the lady's acquaintance."

"Congratulations, Doane!" cried

Henderson. "You'll make the handsomest couple in pictures. Miss Lane is quite the most charming lady I have ever known. And one of the very few whose voice registers as well as her lovely face does."

"So, that's how it is, eh?" said Dan Flaherty. "Well, boy, I wish you luck. I've never tried it myself, but I hear matrimony highly spoken of by those that have sometimes. But I wish the rest would come, whoever's coming."

"Max Michaelis said he'd be over about nine," said Frazier.

"Somebody call up Fitz," suggested Henderson. "Anybody know his number?"

"I'll call him," said Doane. "All right Frazier; no harm done," he went on, offering the Assistant District Attorney his hand.

"Where's your telephone, Elmer?"

Henderson motioned toward the foyer which separated the room they were in from the rest of his quarters, and accompanied his guest to the cabinet in which the telephone directories were cased.

"Here it is; Stephen Fitzgerald, Plaza 00004," said Henderson. "You understand how to use a dial phone?"

"Excuse me a minute," he said to the others, as Archie Doane began to whirl the telephone dial. "I'll be with you again right away."

He crossed the foyer and went into another room.

"Nice little guy," Henderson, said Dan Flaherty. "Good nerve, too; the way he backed his busted flush just now and got away with it was as good poker as I've ever seen. I'd have sworn he was holding a kicker with threes, or had two big pair at least."

"What does he do? Teach singing? There must be money in it, the way he's fixed up here." He glanced appraisingly around the luxuriously furnished room.

"No; he's an inventor," replied Frazier. "I thought I told you about him."

"Only that you'd played poker with him once or twice and that he played a good game," said the inspector. "What does he invent?"

"His latest is a new way of making talking pictures," said Frazier. "Brings out the natural voice much better than anything yet, I understand. I don't pretend to know anything those things, but they say the Highart Film people paid him close to a million

cash on account of royalties, and a salary of a hundred thousand or so to supervise the working of his device. He's got a laboratory back in the other room."

"That's what he meant by giving the Lane dame a voice test, then," grunted Dan Flaherty. "I thought he didn't look like a singer. Guess that skirt's all right, eh?" He glanced over his shoulder at Doane still at the telephone. "Archie isn't falling for any rotten ones. For an actor, he's as square as they come. Pretty hard hit, I should say."

"Head over heels in love, the way he flared up," grinned Frazier. "I made a bad break there, but I took it like a sport. Guess Henderson's right; it was just studio gossip about her and Fitz. Natural enough, with Fitzgerald's known susceptibility and her good looks. Fitz directed her last two pictures, and you know how gossipy travels."

Doane came back from the telephone. "You were right," he said to Frazier. "Some girl got hold of him and he'd forgotten all about his engagement here. At least, his man says that a lady called him on the phone about quarter past six and he hurried out and hasn't been home since."

Henderson came as Doane was speaking, followed by a manservant with a tray on which reposed a siphon, several glasses with their quota of ice cubes, and a couple of bottles.

"Too bad. Couldn't come, eh?" he said. "Well, here's something to take the curse off. Wonder if we can't hurry Mr. Michaelis up."

"He's probably just finishing dinner at the club," said Dan Flaherty. "I'll call him."

"Ask him to bring along anyone he thinks would like to sit in," said Henderson. "Six are better than five." He glanced at the glasses in front of the others. "All filled, gentlemen? Then here's to the prospective bridegroom and his lovely lady."

Doane colored again as the others drank the friendly toast.

Flaherty went to the telephone and returned in a few minutes with the information that Max Michaelis and a friend were just getting into a taxi to come over.

"Mind if I use your phone again?" asked Doane. "I'll just call up Miss Lane. She wasn't sure whether she would be going out tonight on not; half expected a summons from a dowager aunt or something like that."

"Surely. Help yourself," replied Henderson. "Give her my compliments, won't you?"

"Tell me about Michaelis," he went on, addressing Frazier. "I've heard something about him, of course. You see," he added, turning to Inspector Flaherty, "this is really Frazier's party. I don't know many people in New York—too busy in my laboratory until lately to make many friends. Doane and Fitz, of course—got to know them in my picture work. If it hadn't been for meeting Frazier here, through Fitz, I wouldn't have had the pleasure of knowing you, for example."

"There isn't much to tell about Max Michaelis," said Frazier, "except that he's the shrewdest lawyer in New York."

"That's saying a good deal, I should think," said Henderson. "He's rather on the inside of things, isn't he?"

"If by that you mean that he has the confidence of the District Attorney's office and the Police Department, I should say that he's very much on the inside. He's that rare bird, a criminal lawyer who is absolutely on the level."

"I'll say he is," Dan Flaherty growled. "Gets my goat sometimes, butting in on police matters. But, damn him, he's always right. Got the best set of brains of any man I know. Probably that's Max now."

The doorbell rang as he spoke. Doane rejoined the others. "No answer," he said. "Guess she's gone to see her aunt."

To Dan Flaherty's shrewd eyes, however, the actor seemed a trifle disturbed under his outward calm.

"Doesn't like it because Fritz was going to meet some dame and the Lane frail's gone out too," he whispered to Frazier, as they all arose to greet the newcomers. Max Michaelis and his friend, a stockbroker named Williams.

"Afraid I've got your rugs soaked," apologized the lawyer as an avalanche of snow cascaded from the shoulders of his fur coat.

"Quite all right, Mr. Michaelis," said Henderson, as Frazier introduced him. "Nothing but water, after all, is it? I'm not quite sure, you see, because I've never had any experience with snow."

"Where did you come from queried Michaelis, slipping out of his great coat. "Never seen snow before?"

"No. It may sound odd, but I was born and raised in southern California, and my only visits to the North and East have been in the Summer. I've only seen snow at a distance, on the mountain peaks," replied Henderson.

"Southern California eh?" said Michaelis, moving over to the open fire. "Los Angeles? Oh, Pasadena. Don't happen to know a fellow named Everett. Joseph Everett, a lawyer, do you? Great friend of mine."

"Why, I've met Mr. Everett, though I can't say I know him well," Henderson answered. "Here, he continued, as his man came in with fresh glasses for the newcomers, "I don't suppose our gentlemen will object to a drink?"

"Not I," said Williams, the stockbroker. "Br-r-r! Winter's here, all right. This would be a great night for a murder."

"Hear that Dan?" said Michaelis to the Inspector. "What are you doing, taking a holiday on a night like this? Williams says it would be a good night for a murder."

"Well, here's success to crime,

then," rejoined Flaherty raising his refilled glass. "I've never noticed the weather made much difference."

"Success to crime," echoed Max Michaelis, glancing around the room as he drank. "Cozy place we've got here, Mr. Henderson. Nobody'd dream that it was storming outside."

"We had no idea there was a storm on until you came in looking like Santa Claus," said Archie Doane.

"It has to be sound-proof—as sound-proof as possible," Henderson explained. "My work is in the talking pictures, you know, I have to have absolute silence in my laboratory."

"Good place for a murder, too, as well as a good night for it," said Michaelis, setting down his empty glass. "Just think what the newspaper men would do with a sound-proof room as the scene of a crime. 'Screams of the victim smothered by padded walls' and

that sort of thing, you know. Wonder some fiction writer hasn't noticed the weather made much difference."

"And for that reason the last place to expect it," growled Inspector Flaherty. "Most murders are unpremeditated. They happen as the result of a sudden impulse combined with opportunity. That's what makes it hard to convict a murderer: if he has set his stage for the job he's bound to leave clues we can pick up, and once we prove who set the stage we've pretty nearly got a conviction. It's the hit-and-run killers that do most of the murders and leave fewest clues behind."

"My, what a gruesome turn our property is taking!" interposed Archie Doane. "Murder! Ugh! It even makes me shudder to see it in the pictures. I'm supposed to shoot a tough homie in the film I'm working in now, and it gives me the creeps even to pick up the property pistol."

Continued Next Issue

Stuck
"What is that deaf-and-dumb carpenter so frantic about?"

"He just hit his thumb with a hammer and he can't find his pad and pencil."

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