

The Penthouse Murder

by Cecil Johnson

THIRD INSTALMENT
SYNOPSIS: A card game is in session in Elmer Henderson's penthouse atop a New York skyscraper. The players are: Henderson, Police Inspector, Flaherty, Martin Frazier, Archie Doane, Max Michaelis and his friend, Williams, a stockbroker.

They are waiting for Stephen Fitzgerald. When he fails to appear, a telephone calls bring the information that he is out with a girl. Fitzgerald and Henderson are both romantically interested in Lydia Lane, the famous actress, but Archie Doane reveals that she is engaged to marry him.

Doane leaves the party early when Fitzgerald fails to appear. A short time later he telephones Inspector Flaherty with the frantic news that he has found Fitzgerald and Miss Lane dead in Lydia Lane's penthouse apartment.

"I wish you'd phone me, Frazier, as soon as you find out more about it," Henderson requested. "You understand my curiosity? Will you let me know? I'll be waiting for word from you."

"I'll do that, gladly, old man. I'll tell you as much as Dan Flaherty will let me tell. He's the boss."

"That's all right," grunted the policeman. "We'll give you a ring. Come on, Max. Come on, Frazier. Going now, Mr. Williams, or staying here?"

They had settled their poker winnings and losses while waiting and all moved toward the elevator. Williams glanced again at Henderson.

"You're sure you don't want me to stay with you?" he asked.

"Sure," replied Henderson forcing a smile. "You're good to offer it."

"By the way, Mr. Henderson, have you got a flask, or can you spare a bottle of that Scotch?" asked Max Michaelis. "Archie may need it. I would in his situation."

"Certainly. Take this bottle. It's nearly full," said the inventor.

Warned by Inspector Flaherty, the little group of four said nothing about their errand in the presence of the night elevator man and doorman of the Highhart building. Williams said goodnight at the door and started off on foot through the three inches of fluffy snow. The others had but a few minutes to wait before a big sedan with the Police Department shield on the radiator and a brass-buttoned policeman driving, pulled up before the door. Not until they were inside the car did any of them speak.

Dan Flaherty was first to break the silence.

"This looks like a tough case, Max," he said. "Sort of thing makes a policeman wish he didn't have any friends."

"Jumping to conclusions, Dan, as usual?" asked Michaelis. "You

talk as if you thought Archie did it."

"Suppose he did," retorted the Inspector. "I've got to bear down on him harder than I would if I'd never known him; the best I can do I'll be accused of trying to shield a friend."

"I get you," agreed Michaelis, "but let me remind you that his calling you up was the act of an innocent man. He didn't have to do it. For all we know now, he could have slipped away and said nothing."

"But his asking for you is the act of a man who realizes that circumstances look bad for him," countered Dan Flaherty.

"Agreed," said Max Michaelis. "And I realize your position, Dan."

"I don't need to tell you that I'll play fair in anything relating to Archie," growled the Inspector. "and I'll be glad to have your help, Max. You know that."

"Even then, we've got a personal interest, all of us, in finding out who killed Fitz," Max Michaelis reminded them. "Our first concern must be for the living, but we must not forget our duty to avenge the dead."

"All right, Dan, I wish you'd tell me just what Archie said to you over the phone," Michaelis responded, as the car halted for the stream of after-theatre traffic going up Seventh Avenue into Central Park, its progress slowed by the fleet of scrapers and trucks of the snow-removal gang, already on the job. "What's the starting point? How did he come to be at Miss Lane's rooms? Did he explain that?"

"Yes," replied the Inspector. "He said that he went to his own rooms when he left the game and had been there only a few minutes when his telephone rang and Miss Lane, apparently greatly excited, asked him to come at once. Something terrible had happened, she said. He got on answer at her door. Got in through some sort of back entrance—he knew his way about there—and found Fritz and the girl both dead—shot."

"Said he had done nothing before phoning me except to take a quick look around the apartment to see if anybody was hiding there, and that was all he said."

"That fixes the time of the shooting pretty closely, then," was Michaelis' comment. "Archie left us about ten-thirty, perhaps a few minutes later. He phoned you about eleven-twenty-five. Give him twenty minutes to get here, another five to look around, and he must have been talking to Miss

Lane just about eleven o'clock. She, at least, was alive then. If the 'something terrible' which she said had happened was the shooting of Fitzgerald, then that must have occurred just before that. It's a quarter of twelve now. Whatever happened must have occurred within the last forty-five minutes."

"If he's telling the truth," growled Dan Flaherty.

"I can't make any other assumption," replied Michaelis.

"One thing we've got to remember," said Martin Frazier, as the car pulled up in front of Number 213 West Fifty-ninth, "is that Archie Doane is an actor. A good actor, trained to simulate emotions which he does not feel, to wear a mask at will."

"A point well taken, which is offset by the fact that when he does feel emotions he has difficulty in hiding them," commented Michaelis. "We have only to think of his evident distrust during the game this evening to realize that."

Another Police Department car was standing at the curb in front of the converted dwelling in which Lydia Lane had her apartment, and a uniformed policeman, on guard at the door, saluted Inspector Flaherty as he and his two companions alighted.

"Medical examiner got here yet?" asked the inspector.

"Five minutes ago, with three plain-clothesmen," replied the policeman.

"Is this the only entrance to the building?"

"Except the trap door from the cellar, and that's right here in front," the policeman answered. "Nobody's been in or out since I got here."

"Let 'em in if you're satisfied they live in the building and have been out all evening," the inspector instructed him, "but take their apartment numbers in case I want to talk to them. If anybody wants to go out, send up to the penthouse apartment for me. Where's the janitor?"

"I haven't seen him. I think he has a room in the cellar."

"Better ring for him and keep him around to run errands for you," said Flaherty. "Any hall-boys or elevator attendants?"

"No; it's an automatic elevator. One of these push-button ones."

The building had once been a rather pretentious mansion, which had been remodelled, after the New York fashion, into small suites. It stood between two towering new apartment houses, overlooking Central Park. Yet, like most buildings of its type, it was tenanted at high rentals by those who preferred privacy and commodious rooms to the outward gorgeousness and cramped living quarters of the ordinary apartment. It was clear enough at a glance that an intruder might find little difficulty in entering and leaving unobserved.

There was not much room for Max Michaelis and Martin Frazier after Dan Flaherty had inserted his bulky form into the tiny elevator. The inspector pressed the upper button and the cage ascended, to stop at a landing on the top of the building, five stories up. The elevator door opened upon a sky-lighted lobby, from which the stairs descended. To their left, as they stepped out of the cage, there was a door which apparently gave access to the flat roof; to the right, a door on which a small brass plate bore the name of Lydia Lane.

Inspector Flaherty rang the bell and the door was opened by a tall, dark young man who bore none of the customary earmarks of the police. However Flaherty soon dissipated this idea in the way in which he addressed the fellow.

"Hello, Tony," said the inspector. "What does it look like?"

"Hello, Chief," was Detective Martinelli's response. "I don't know enough yet to make anything of it. It looks bad . . ." he glanced over his shoulder and lowered his voice as he spoke. " . . . it looks bad for Mr. Doane."

"Where's the Medical Examiner?" What does he say?" Inspector Flaherty demanded, as he and his companions pushed through the door and into a square foyer from which other doors gave at opposite ends. One of these doors opened as he spoke and the Medical Examiner himself came out. He reached for the telephone on a stand between the doors.

"The girl's alive!" he said. "I'm going to call an ambulance."

The penthouse apartment in which Lydia Lane lived consisted of a large studio on the north front of the building, overlooking Central Park, a smaller but still commodious bedroom on the southerly side, connected with the studio both through the entrance foyer and by a dressing room which opened into both rooms, off which was a bathroom. Also opening off the foyer, at the rear, was a little kitchenette with a tiny room for a maidservant adjoining.

At the front, the structure, really a bungalow built on the roof, was set back some six or seven feet from the cornice, making a little roof garden, or what the French doors gave entrance. At the rear there was a much larger roof expanse, running back perhaps twenty-five feet, where an L-shaped extension had been constructed. The windows of the bedroom, the kitchenette and the maid's room opened upon this part of the roof, and there was another French door leading from the bedroom directly to the roof.

To give the janitor access to the roof and as a means of exit for tenants below in case of fire, another door, on the opposite side of the elevator shaft, opened from the elevator and stair landing on to a narrow passage which led also to the rear roof garden

of Miss Lane's apartment. And up the side of the elevator shaft ran a vertical iron ladder, for the use of workmen in making repairs to the elevator machinery or the roof of the penthouse itself. At the rear of the roof extension which formed Miss Lane's roof garden an iron fire escape ladder led down to a courtyard.

There were windows only on the front and back of the apartment. On both sides the building was hemmed in by the windowless side walls of the adjoining structures, which rose fifty feet or more above the roof of the little house.

All of this was not, of course, immediately clear to Inspector Flaherty and his companions. Their first concern was with the facts, and with Archie Doane.

They followed Detective Martinelli into the bedroom while the Medical Examiner was telephoning to Roosevelt Hospital.

Smoke from the police camera man's flashlight was oozing out of a window which had been lowered from the top, and the first sensation of the new arrivals was the acrid odor of magnesium powder.

Stretched on a chaise longue in the farther corner of the room lay the body of Lydia Lane. She was attired in a flowered silk kimono, which had been partly pulled or thrown aside, revealing the dainty silken lingerie beneath.

The face whose pure profile had made her the darling of the screen was as beautiful in its white waxiness as when the pulses of life had colored it. Her boyishly-cropped golden hair seemed dark by contrast.

One bare arm hung limply over the edge of the couch, its whiteness marred by a dark streak which began at a blue-bordered hole midway between elbow and shoulder and coursed down to the ends of the tapering fingers which touched, it seemed almost caressingly, the face of the man who lay on the floor in a crumpled, disorderly heap.

Continued Next Issue



IN THE MIDDLE OF THE SKY

After diving from an airplane, Harold Parkhurst is shown here before he opened his parachute

Harold Parkhurst, parachute jumper, plummets earthward in a thrilling delayed jump. He's calm about it, isn't he? He says about his cigarette: "Camels give mildness a new meaning. They never jangle my nerves." Don't forget that Camels are made from—

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NOTICE OF SALE UNDER EXECUTION

NORTH CAROLINA, SURRY COUNTY.
 John D. Lewis, Assignee, Elkin National Bank vs. John Park and Ruth Park.

In the Superior Court By virtue of an execution directed to the undersigned from the Superior Court of Surry County, I will, on Monday, 16th day of August, 1937, at 12 o'clock noon, at the courthouse door of said county, sell to the highest bidder for cash to satisfy said execution, all the right, title and interest which the said John Park and Ruth Park, the defendants, have in the following described real estate, to-wit:

BEGINNING at an iron in East margin of Gwyn Avenue; runs south 21-30 degrees east 58-4 feet to a point in same; thence north 55-30 degrees east 175 feet to a point in old line; thence north 21-30 degrees west 58-4 feet to an iron old corner; thence south 55-30 degrees west 175 feet to the BEGINNING.

The judgment is in the sum of \$1750.00, with interest and costs of court.

This 13th day of July, 1937.
 H. S. BOYD, Sheriff of Surry County, N. C.
 By W. J. Snow, Deputy Sheriff.

NOTICE

State of North Carolina, County of Surry.
 In The Superior Court The Federal Land Bank of Columbia, Plaintiff, vs. P. G. Scott and others, Defendants.

H. W. Beecher, defendant, in the above entitled action, will take notice that an action entitled as above has been commenced in the Superior Court of Surry County to foreclose a certain mortgage on real estate situated in said County, executed by P. G. Scott and wife, Delia Scott, in favor of the plaintiff and to secure a judgment for the balance due on the note secured by the said mortgage and costs, said mortgage bearing date of July 27, 1923, recorded in Book 91, at page 56, records of said county; and said defendant will further take notice that he is required to appear within 30 days after the completion of the service of summons by publication, before the Clerk of the Superior Court of Surry County, at his office in Dobson, North Carolina, and answer or demur to the complaint which has been filed in the office of the said Clerk, or the relief demanded therein will be granted.

This 16th day of July, 1937.
 F. T. LLEWELLYN, Clerk of the Superior Court.

8-12

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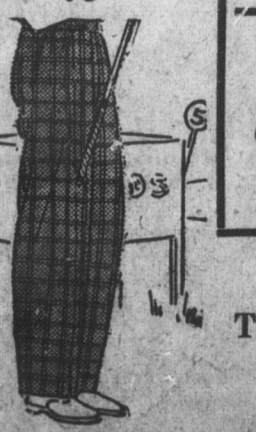
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