

# The PENTHOUSE MURDER

by Caleb Johnson

**FOURTH 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 call brings 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.

Stephen Fitzgerald's dark, saturnine face was drawn and distorted as none of those present who knew him had ever seen it in life. He was dressed in conventional evening clothes. The shirt bosom had been unfastened at the studs, where the Medical Examiner had opened it to examine the body more closely, but a round hole in its smooth whiteness, charred and blackened at the edges, told to the experienced eye of Dan Flaherty the story of a bullet fired at close range—so close that the weapon might have been pressed against the victim's body when the trigger was pulled.

"Where's Doane?" Inspector Flaherty asked.

"In the front room," replied Detective Martinelli. "He's pretty sick. He ought to be. It doesn't look so good for him."

"Did he have the gun on him?"

"No, and I've not found it," replied Martinelli.

"How long since they were shot?" asked the Inspector as the Medical Examiner joined them.

"Not long. Not over an hour, anyway. The man's body was still warm when I got here. The girl is still alive, but unconscious. Doesn't react to pin pricks or to any of the ordinary restoratives that I had with me. She's lost blood until she's drained white. The ambulance from Roosevelt will be here any minute, and they are making arrangements at the hospital for blood transfusion.

"Nothing to be done for the man. He's dead. Bullet through his heart. That's as far as I've got."

"Stay around awhile, will you?" the inspector requested. "I've reasons for going pretty deeply into this case, and I may want to ask you some questions. Meantime, let's talk to Doane, if he's in shape to talk."

"I've got this, you know," said Max Michaelis, drawing the bottle of Henderson's Scotch from his overcoat pocket.

"Just what he needs," said the Medical Examiner. "He's close to collapse."

"Where are Fitzgerald's overcoat and hat?" asked Max Michaelis, as he turned to follow Inspector Flaherty into the studio.

"Over there," replied Martinelli, indicating a chair in the corner of the bedroom upon which a fur-lined overcoat and a silk opera hat had apparently been carelessly tossed. "Doane had his on when I got here. I hung them up in the closet in the hall."

Archie Doane greeted his friends with a despondent gesture, his face haggard and pale. But he managed a rather pitiful attempt at gaiety as the others came in.

"Hello, Dan," he said. "I suppose I should say 'Good evening, Inspector Flaherty.' I never expected to meet you professionally. Same to you, Frazier."

"Max, I'm glad you could come. I haven't anything to say to you that I won't say to Dan and Martin or in their presence. I don't care much, anyway, what happens now."

"Cheer up, Archie," said Max Michaelis. "I've brought something along that may do you good. Take this."

He poured a generous slug of Scotch into a glass which Detective Martinelli had borrowed from the kitchenette and Doane swallowed it eagerly. The color began to come back to his face, but his eyes were still lusterless and his manner dejected as he set down the glass just as the loud clanging of a gong in street below signaled the approach of the ambulance.

"That will be the boys from Roosevelt," said the Medical Examiner. "I'll give them a hand, Inspector. Do you want to make any further inspection before they move her?"

"No; the photographs will show all that's necessary," replied Flaherty, "but send word to the hospital to let me know the minute she recovers consciousness."

"Consciousness? Hospital?" echoed Archie Doane, half rising

from his chair. "She's not dead? Lydia's alive?"

"Didn't they tell you?" responded Max Michaelis. "There's still danger, but she's alive."

Doane's whole demeanor changed. "Thank God!" he cried. "I've got something to live for now. Max, a minute ago I didn't care what happened to me. Now, I'm putting it up to you to get me clear. I realize Dan's position. He can't turn me loose unless he can prove positively that somebody else did it, and there isn't any way under Heaven, that I can see of proving that."

"But before I tell you what happened, will one of you see to it that the best doctors in New York are called in for Lydia without delay? I don't care what it costs, I'll pay it."

"I'll get Alexis Carrel himself," said Frazier. "He's the great authority on blood transfusion. I know him, and he'll do what I ask, I'll telephone him now."

As the Assistant District Attorney went to the phone, Dan Flaherty turned to Doane.

"Archie, as your friend I don't think you did this. But as an official I've got to believe you did, unless someone can show me you didn't. It looks bad for you—officially—and I've got to warn you that anything you may say will be used against you. By rights I ought to take you down to Center Street and have a stenographer take down whatever you say, but I'll waive that point. I'm as anxious as Max is to hear your story."

"The Bertillon man is a stenographer," suggested Detective Martinelli.

"That's right; I'd forgotten that, Tony. Send him in," said the Inspector.

"Let me have another drink, Max, before I start," Doane requested. "It isn't a long story, anyway."

He downed the drink and addressed the stenographer impersonally.

"I'd better begin at the beginning and account for my movements before I came here tonight," he said. "It will not take long."

"I know, and so do you gentlemen, that Miss Lane was at Elmer Henderson's laboratory this afternoon — Saturday afternoon, rather, as it is now Sunday morning. Very well.

"I arose at noon as usual, and after breakfasting in my rooms I went to Tiffany's to purchase an

engagement ring which I hoped to give Miss Lane this evening.

"I spent the entire afternoon, from about two o'clock, at the Lamb's club where I am a member. I had a tentative appointment to play cards at Henderson's place in the evening, as Miss Lane had half expected an aunt who lives in New Jersey to call for her and take her to the country over Sunday. She was to let me know definitely whether she was going to Jersey or not. I was surprised that I had no word from her. I telephoned to Miss Lane's apartment about seven o'clock, the telephone did not answer, so I surmised that her aunt had called for her as scheduled. If not, I had intended to cancel my card party engagement. A little before eight o'clock I went to the Highart Building and joined a card party, consisting of Inspector Flaherty, Mr. Frazier of the District Attorney's office, Mr. Henderson and myself, to which Mr. Michaelis and a gentleman named Williams were later added.

"I was with friends every minute of the day up to the time I left the Highart Building. I even went from the Lamb's Club to the corner of 56th Street and Fifth Avenue with a friend, who had a taxi and was going uptown.

"When I left the card party, about half past ten, I went directly to my own rooms in West 45th Street. I thought I might find some message there from Miss Lane. I will not try to conceal from you the fact that I was greatly disturbed at not having heard from her, a disturbance which was intensified by the fact that Stephen Fitzgerald, who was madly in love with her, had cancelled his appointment to play cards with our party tonight after some woman had called him by telephone. Knowing Fitz's fondness for poker, I could think of only one woman to lure him from a game in congenial company. While Fitz and I had never quarreled over Miss Lane, nor ever mentioned her to each other except as our professional work might bring her name into the conversation, it was no secret from either of us that we were rivals.

"There were others who aspired in the same direction, but Fitz was the only one I feared. Even after Lydia—Miss Lane — had promised to marry me, which she did on Friday evening, I felt none too secure against the almost irresistible fascination which Stephen Fitzgerald exerts over women. I wanted to announce our engagement at once, but Miss Lane begged me to wait until she had seen her aunt, her only living relative.

"I was disturbed, therefore, first at having no word from my fiancée and, second, by Fitzgerald's mysterious absence from our party. I did not know the aunt's name or address, so I could not telephone her. I hesitated about telephoning Miss Lane's apartment again. I had called the number twice, at seven o'clock from the club and later while I was with you gentlemen at Mr. Henderson's, receiving the 'don't answer' signal each time. Miss Lane's custom, as I knew, is to let her maid have Saturday nights out.

"I had about argued myself into believing that Miss Lane had tried to telephone me at the Lamb's and that the operator there had failed to locate me or to take the message. I was about to call the club when the telephone bell rang. Someone with a decided German accent wanted to talk with Mrs. Something-or-other — some impossible foreign name.

"I hung up the receiver and waited for a moment, intending to call the club as soon as my wire was clear, when it rang again.

"I answered, and a woman's voice cried, 'Come quickly! Hurry! Something terrible has happened!'"

"Then there was a piercing scream, then silence.

"I did not need to ask who was speaking. The voice was unmistakably that of Lydia Lane.

"I cried: 'Where are you? What has happened?' and called her name several times, but nothing more came over the wire. I dialled her apartment number and got no response. I dialled the operator and asked for the number, but the girl reported that the telephone was out of order.

"Frantic, I slipped on my overcoat and rushed to the street. I was lucky to catch a taxi almost at once, and came up here as fast as the driver could push his car over the snow.

"I pressed the button at the mailbox in the front vestibule downstairs, but heard no answering click of the electric door latch; then I tried the door and found that it was unlatched. I met nobody as I came into the building. I came up in the elevator and pushed the bell button of Miss Lane's apartment — this apartment. There was no response. I then knocked loudly on the door, repeating this several times. Still there was no response. I turned the knob and tried to open the door, but it was locked from within.

"I was about to go down and find the janitor to see if he had a pass key which would open the door, when I remembered the other way to the roof. That door is never locked, the one leading out on the roof from the elevator landing, I believe the fire laws require that it be fastened only with a hook or bolt on the inside.

Continued Next Issue

**He Got Caught**  
 Inquisitive Employer — Ella, what's become of old Simon? Ella (the cook)—He done died wid lead poisonin'.

**Employer—Lead poisoning? I didn't know he was a painter.**  
 Ella—Nossuh, he was in de chicken business.

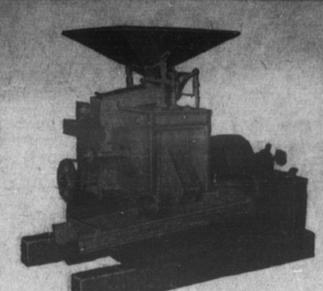
**NOTICE**

North Carolina  
 Surry County.

In The Superior Court  
 Thomas L. Sizemore, Plaintiff  
 Vs.  
 Elsie Davis Sizemore, Defendant

The defendant Elsie Davis Sizemore will take notice that an action entitled as above has been commenced in the Superior Court of Surry County, N. C., by the plaintiff for an absolute divorce from the defendant; and the said defendant will further take notice that she is required to appear at the office of the Clerk of the Superior Court of said County in the Courthouse in Dobson, North Carolina on the 20th day of August, 1937 and answer or demur to the complaint in said action, or the plaintiff will apply to the Court for the refiled demanded in said complaint.

This the 19th day of July, 1937.  
 F. T. LLEWELLYN,  
 8-13 Clerk of Superior Court.



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# NOTICE!

Beginning this month all delinquent accounts are to be reported to the credit bureau of the Elkin Merchants Association. A list will be compiled and sent to each member of the Merchants Association. A revised list will be provided association members each month.

All who owe accounts locally and are in arrears, are requested to make satisfactory arrangements so that your name will not appear on these lists. All persons whose names appear on this list will not be afforded the convenience of a credit account.

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