

The PENTHOUSE MURDER

FIFTH INSTALLMENT
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. When Flaherty and the medical examiner reach the apartment, they find that Miss Lane is still alive. She is rushed to a hospital where blood transfusions and care promise to restore her.

received no response. Then I tried that door, and found it unlocked. "I opened the door and saw the bodies of Miss Lane and Stephen Fitzgerald lying just where you saw them!" "You can imagine the agony of my first thoughts, I did not at once perceive that they were dead; they seemed merely asleep. I closed the door softly and backed out on to the roof. My first impulse was to steal quietly away — to hide from the shame my betrothed had brought upon me. God forgive me for the thought! It was an echo of the jealousy I had been harboring all the evening, jealousy born of fear of Fitzgerald.

"For the moment I had forgotten Lydia's terrified call over the telephone. Then my mind cleared and I realized that a terrible tragedy had occurred. I reentered the bedroom and my worst fears were verified when I saw the bullet wound in Lydia's arm, the blackened hole in Fitz's bosom. "I reeled and felt as if I were about to faint, for a moment. Then I pulled myself together and tried to discover whether either was still alive. Both were apparently dead.

"My first conclusion was that Fitz had shot Lydia and then killed himself, rather than let her marry me. I saw no weapon, however, and the idea of suicide did not fit with Fitzgerald's character and temperament. Someone

else must have come upon them and killed them both. "I considered my own position. The case against me was clear. I had thought at first of running to the street and calling in the nearest policeman. But if I did that and anything should slip—some one else should come to the apartment, Miss Lane's maid return and find the bodies there—my departure might easily be interpreted as the beginning of a flight from the scene of my crime. "I discarded that idea, and telephoned at once to Elmer Henderson's rooms, and reported to Inspector Flaherty. I noticed then that the telephone receiver was not on the hook but hanging from its cord.

"Between the time when I telephoned the Inspector and the arrival of the detective with the Medical Examiner I was careful to disturb nothing in the apartment, but made as good a search as I could without touching anything, in the hope of finding the pistol. I found nothing. I understand your detective has found no weapon?

"I had no means of telling how long Fitz had been lying there. Trying to figure it out, I came to the conclusion that he must have been shot early in the evening, and that Lydia, coming in late, had just discovered his body when she telephoned to me. She might have come first into the studio—this room—then gone into her dressing room and slipped into a kimono, and entered the bedroom to find Fitz's body on the floor. But that, of course, does not account for her own wound."

"The Medical Examiner was the first to speak after Doane had finished his statement. "It is impossible that Miss Lane may have been shot several hours ago," he said, "and her statement when and if she recovers consciousness, will help us on that point. But the man had been dead not more than an hour, I should say not much more than half an hour, when I arrived. He could not possibly have lived fifteen minutes with that bullet through his heart. That negates your suggestion, I think."

Martin Frazier had come back from the telephone while Archie Doane was making his statement. "I got Carrel out of bed and he's on the way to Roosevelt Hospital now," he said. "If anyone can pull Miss Lane through he can. "I called up Henderson, too," he added, and gave him a report of the situation. He seemed overjoyed to learn that Miss Lane was still alive, and asked me to give

you a word of sympathy and encouragement, Archie."

"Good of him," said Doane. "Can't I be of service at the hospital? Blood transfusion, you said? I'll give every drop in my body."

"They have a number of persons available whose blood has been analyzed and tested for just that purpose," said the Medical Examiner. "It would take twenty-four hours to determine whether it would be safe to use yours, and by that time Miss Lane will either be out of danger or—"

"I hope she'll be able to talk," interrupted Inspector Flaherty. "Then we'll have something definite to go on. Meantime, we must see what we've got here."

"Meantime, I'm under arrest, I suppose?" said Doane.

"Not yet, my boy," said the Inspector. "Sit around, though. There'll be plenty of questions to ask you. Lie down, if you like, on the sofa, and rest your nerves. I'll call you if I want you."

"Gentlemen," he said to the others, "I'm going to push this investigation through as fast as possible. I propose to stay here until daylight, if necessary, to discover everything which the inanimate evidence can tell us. You, Max, and Martin, can stay or not, as you like."

"I'm going to stay," said Max Michaelis, and Frazier nodded his decision to do the same. "One or two questions I'd like to put to Archie before we do anything else," the lawyer went on.

"You say you came to the conclusion that Fitz must have been shot early in the evening. I wish you'd give us your process of reasoning that led to that conclusion."

"It was the snow that made me think of that," replied Doane. "It began to snow after eight o'clock. I know it had not begun when I got to Henderson's. It stopped snowing before eleven o'clock, for the sky was clear when I left my rooms to come up here."

"Verify the time of the snow from the Weather Bureau, Tony," interposed Inspector Flaherty. "Go on, Archie; I begin to get your drift."

"Well, look at Fitzgerald's shoes. From where I sat, most of the time on the stool by the telephone stand, I could see the soles of them plainly. There are no overshoes or galoshes anywhere that I looked. A man wouldn't come out in thin patent leather shoes without overshoes if there were snow on the ground, it is likely. And there isn't a sign of moisture on Fitz's shoes. Therefore, he must have come here before the snow began."

"That sounds reasonable, but it doesn't prove that he was shot before the snow began," Inspector Flaherty objected.

"I realize that my theory is all wrong," said Doane. "What the Medical Examiner has told us proves that. I was merely telling how I had come to the conclusion that he had been shot some time before the snow began. If I didn't shoot him—which I didn't—Miss Lane didn't shoot him—which I don't believe—then he was shot, by some one who came into the apartment surreptitiously the way I came—and there were no tracks in the snow."

"Look out on the rear roof garden now, and you will find my tracks, but no others."

"Someone might have been hiding in the apartment, a burglar lying in wait, for example. He might have slipped out the front door of the apartment and down the stairs or the elevator while you were making up your mind to go in the back way," said Inspector Flaherty. "It's no good theorizing, but let's get down to the facts."

"First we'll look at the front door."

The door opening from the elevator landing into the foyer of Miss Lane's apartment proved to be equipped with two locks; one the regular Yale lock provided by the owners of the building, the other a special burglar-proof lock, which could not be fastened automatically by the closing of the door but had to be locked with a key from the outside or by means of a knob inside.

"No sign of the lock being tampered with or the door forced," Inspector Flaherty admitted, after a careful inspection. "This door was locked, you say, Archie when you arrived. Do you know whether both locks were on?"

"Yes; because I had to use two hands to open the door when your men arrived," replied Doane, after a moment's thought.

"Where is that pistol? Do you know?"

"In the property room at the Highhart Studio, as far as I know."

"When did you see it last?"

"A day or two ago; Thursday, I think, we shot the last scene in which I am supposed to use it."

"What sort of a pistol is it? A revolver or an automatic?"

"It's a revolver, nickel plated with a pearl handle. In the picture I am supposed to shoot a burglar with it."

"Do you know the caliber—the size of the bore?"

"I think it is what they call a thirty-two."

"Did you ever fire that pistol?"

"Only once. That was in the studio last Thursday."

"Is this picture you are working in a sound picture?"

"Yes."

"Were any precautions taken to soften the sound of the shot?"

"Yes; there was a silencer on the weapon."

"At whom were you supposed to fire the pistol?"

"At Stephen Fitzgerald. He was directing the picture and also playing the part of the burglar."

"Did you load the pistol yourself when you fired it?"

"No; the property man loaded it, I suppose."

"If you had desired to kill Stephen Fitzgerald, could you have substituted a loaded cartridge for the blank cartridge used in the picture and so have made it appear an accident?"

Continued Next Issue

Tongue Parched
 "I hear there is drought in your village?"

"Drought! Everything is dried up. My brother sent me a letter, and, would you believe it, the stamp was put on with a safety pin!"

more 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 relief demanded in said complaint.
 This the 19th day of July, 1937.
 F. T. LLEWELLYN,
 8-13 Clerk of Superior Court.

"I opened that door and went out on the roof and around the elevator shaft to the door of Miss Lane's bedroom. You will find my footprints in the snow. The shades were drawn on both the windows and the glass door, but I could see that there was a light inside. I tapped loudly on the glass, but

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