

# The PENTHOUSE MURDER

by Caleb Johnson

**SIXTH INSTALMENT**  
**SYNOPSIS:** A card game is in session in Eimer 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.

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.

"Why such a thought never entered my mind. I suppose I could have done that, but it would never have occurred to me."

"I thought I knew what you would say," said Michaelis. He turned to Inspector Flaherty.

"Your man has made a thorough search for a weapon here, hasn't he, Dan?"

"What about it, Tony," asked

the Inspector of Detective Martinelli. "Find anything?"

"Not a trace, chief," replied the young detective. "I've looked into every place where a gun could be hidden and there isn't a sign of one. Either the guy that did the shooting took it away with him, or else he threw it away. The snow would hide it, you know."

"We'll keep that in mind, too," replied Inspector Flaherty, as he led the way to the rear of the apartment.

Under the beams of the pocket searchlights of Detective Martinelli and the other men from Headquarters, the deep rear roof garden of the penthouse apartment showed the same unbroken expanse of fluffy snow as the narrower space in front had exhibited. The white surface was broken only by the footprints of a man, which led from the janitor's roof door around the elevator shaft and the kitchen extension of the penthouse, to the French door which gave access between Miss Lane's bedroom and the roof.

"I want a photograph of these footprints, and of the whole roof," said Inspector Flaherty to the camera man. "You've measured them?" he asked the Bertillon expert.

"Yes; and I've compared them with Mr. Doane's overshoes," was the reply. "They are his footprints, without doubt."

"I'd like to inspect them carefully," said Max Michaelis. He borrowed Martinelli's searchlight and as soon as the camera man

had set off his flash and obtained his photographs, he scrutinized the tracks for several minutes. Then he stood up and threw the searchlight beams on the rungs of the iron ladder to the penthouse roof, and the coping which bordered the main roof on all sides, and upon the chimney stack which projected above it, seven or eight feet high and some twenty feet to the rear of the doorway in which they stood.

"I'd like to call your attention, Dan, to the footprints more particularly," he said to the Inspector. "They bear out Archie's story that he approached this door over the roof, paused here, backed away a step or two, then returned to the door and entered. There are no tracks pointing away from the door, except those which your camera man made just now."

"I'd also like you to note that the snow ridges on the edge of the coping, on the rungs of the ladder and on the edges of the penthouse roof and on top of the chimney are unbroken. Nobody has gone up or down the ladder, over the edge of the roof at any point, since it snowed."

"I don't know what that proves, Max, but I've noted it," responded Flaherty.

"It proves that if Archie did the shooting there are only two places where he could have hidden the gun," replied Max Michaelis. "He could have stood here by the door where we are now, his feet pointing toward it, and tossed the pistol up on this penthouse roof, or he could have stood in the doorway and thrown it beyond the rear edge of the main roof into whatever courtyard there is between the high walls all around us."

"Now, I suggest that, if there is no reason for leaving the snow on the roof garden undisturbed, that we go to the end of the roof and see what the snow below in the courtyard looks like."

"Why couldn't he have gone through to the front and thrown the pistol into the street?" demanded Inspector Flaherty. "It would have been harder to find there."

"Because, Dan, as you probably noticed, the front door and the windows of the studio had not been opened since the snow began until we opened that door a minute ago. You recall how the banked up snow on the doorkill tumbled inward when you opened the door?" replied Michaelis.

"Did you go into the studio at

all, Archie," he asked, turning to Doane.

"Not until after the men from Headquarters arrived and let me in there. I hardly moved from the chair at the telephone table, after I called up the Inspector, until I rose to open the door for the detectives."

The searchlights revealed an enclosed courtyard at the rear of the building as the party looked over the coping and down into an L-shaped well, bounded on all sides by the walls of the buildings. It was obvious that nobody could have thrown anything over the roof of any of the adjoining buildings and there was not a mark or blemish in the unbroken surface of the snow below them, so far as could be seen from where they stood.

"Go down and get the janitor, Tony," Inspector Flaherty ordered the detective. "Have him let you out into that yard and see if there is any spot we have overlooked."

"Wait a minute," he went on, as they turned so that they were again facing the penthouse. "First run up that ladder and see if anything has been thrown on the upper roof."

"It might have been thrown down the chimney, suggested Frazier, as Detective Martinelli hurried to obey orders."

"Hardly likely," said Michaelis, throwing the searchlight he had borrowed from the Bertillon man on the chimney stack. "See, it has a stone covering over the top of the flue, with apertures at the four sides to let the smoke out. It would have taken a good marksman to toss a pistol or anything else from the doorway there with sufficient accuracy to hit a hole about eight by twelve inches, at an angle, without disturbing the snow on the edges of the bricks."

"That's right," Frazier agreed. "I hadn't noticed the covering."

They reentered the apartment and Dan Flaherty addressed Doane.

"Did you ever play baseball, Archie?" he asked, with apparent casualness.

"Yes, I used to be a pretty good pitcher. Why?"

"Oh, nothing, I just wondered," replied the inspector.

Martinelli, scrambling down the ladder, joined them as they took off their overcoats again. "Nothing on the roof, Chief," he reported. "I'll go down and look over the yard now."

Inspector Dan Flaherty stood in the middle of the bedroom and searched every plane and angle of it with his deepset blue eyes, in silence.

"We've cleaned up outside," he said, at last. "I'm going to comb this apartment again for the gun, though Tony seldom overlooks anything and if he can't find what he's looking for it usually means it isn't there. But there are a lot of other questions in my

mind before I can give you a clean bill, Archie.

"First, I want to look over Fitzgerald's body with the doctor, here. What's the matter, Archie? Catch him, somebody!" he cried, as Doane, white faced, reeled and would have fallen but for Max Michaelis.

The lawyer eased the actor into a chair. "It's that," he gasped feebly, with a motion of his head toward the sheet-covered form on the floor. "I can't stand it; never could, I'm sorry."

"Drink this," said Frazier, who had poured another generous libation from Henderson's bottle. The medical examiner took Doane's wrist in his hand and felt the pulse.

"Better go into the other room and lie down," suggested the doctor. "I'll lend you a hand."

"It's genuine enough," he reported, as he rejoined the others. "Not uncommon for the sight or even thought of blood to unnerve a man who has that peculiar sensitiveness."

"Wouldn't do for a policeman," commented Dan Flaherty, grimly, as he turned back the sheet that had been thrown over the huddled form of what had been Stephen Fitzgerald. "Doc, does it strike you that there's anything queer about this body?"

"I don't follow you," replied the medical examiner. "The position is a trifle distorted, but that may not signify anything."

"Ever see a man shot through the heart? See the actual shooting. I mean?" the Inspector demanded.

"No, I can't say I have," replied the medico.

"Well, I have," said Dan Flaherty, "and I never saw one fall backward yet. They fall forward, every time. Sitting down or standing up, it's always the same."

"Now, Fitz is lying on his back, and that's been bothering me ever since I came in. If he was lying down when he was shot that would account for it. I can't see what he'd be lying there on the floor for, but I want to find out. Will you go over the body and see if the bullet went through? If it went through and isn't under him, somebody moved the body after he was shot."

The medical examiner proceeded with professional callousness to strip the clothing from the upper part of the body, with the aid of the two men who had accompanied Detective Martinelli from Center Street.

Max Michaelis and Martin Frazier watched the proceeding with intent and interested eyes. Inspector Flaherty seemed to be looking at every corner of the room at once, as his keen blue eyes darted from one object to another.

Suddenly the Inspector stepped forward, reached across the body of Fitzgerald and poked his finger into a tiny hole in the silken up-

holstery of the cushion of the chaise longue on which Lydia Lane had been lying.

"There's a bullet in there, somewhere," he said, "or I'm mistaken." He lifted the cushion from the couch and felt of its downy interior. "Here it is," he said. He ripped the cushion open and disclosed a bullet which had penetrated it, edgewise to a distance of a foot or more.

"This is the one that went through the girl's arm, all right," he said. "It's a .32 caliber. What do you find, Doc?"

"The bullet went through the man," said the medical examiner. "Missed all the ribs and came out in the middle of the back. Through the clothes and all. But it doesn't seem to be under him."

He poked about with a metal probe in the pool of rapidly clotting blood which the turning over of the body had disclosed, and upon which the Inspector now turned his searchlight.

"No bullet there," agreed Flaherty. "Therefore, he was not shot while lying here. The next thing we've got to find is where the bullet went then we may be able to tell where he was when he was

shot. If he was shot inside of this apartment the bullet is still here, for there isn't a crack in a pane of glass. Now, to speed things up, I wish you would all help."

Michaelis and Frazier agreed willingly and the two Headquarters men took the request as an order. To each of the four the Inspector assigned one of the walls of the bedroom. "I'll take the floor and the ceiling," he said. "Go over every square inch of wall, woodwork, furniture, until we find that bullet."

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