

# The PENTHOUSE MURDER

**ELEVENTH INSTALMENT**  
 "You think you can clear him, Max?"  
 "I know it, Dan."  
 "Well, you have never let me down yet. I'll take a chance on your say-so."  
 "Then let me have a word with the house physician, before we start," said Michaelis. "Doctor," he asked, as the medical man came in, "you observed the symptoms which Miss Lane exhibited when she recovered consciousness after her blood transfusion?"  
 "Yes."  
 "Do you know of any drug, which could be administered in a small dose, hypodermically, which would produce a profound sleep for a period of five or six hours and cause the after-symptoms such as you suggest?"  
 "Yes. Hyoscine might do it if the patient were especially susceptible."  
 "That's what is used in the so-called 'twilight sleep' is it not?"  
 "Precisely. It induces a profound sleep which does not amount to

unconsciousness but leaves the patient afterwards without any memory of what occurred while under its influence."  
 The trio had got into the Inspector's car and started for the Highhart building before Martin Frazier spoke.  
 "I've been trying to puzzle out what you're driving at, Max," the Assistant District Attorney said. "You've got an idea the girl was doped, haven't you?"  
 "Something like that," Michaelis agreed.  
 "And that she had Archie Doane's phone number and those words from her play so firmly fixed in her sub-conscious mind that she called him without knowing that she was doing it?"  
 "Here, that doesn't tally with the phone company's record of no calls," interposed Inspector Flaherty.  
 "They've been known to make mistakes," observed Frazier. "Max has something up his sleeve. He'll tell us when he gets good

and ready. Meantime I'm trying to figure it out."  
 "What about thought transference? Telepathy? You think she might have got her call across to him that way?"  
 "No, I won't stand for that," said Dan Flaherty. "There may be something in telepathy, but you can't prove it by the police nor to a jury. Let me give a guess at what Max is driving at. Will you tell me if I get your theory right, Max?"  
 "Perhaps," replied Michaelis, smiling.  
 "Well, then it would work this way," the Inspector went on. "The Lane dame could have taken that gun from the studio. We haven't given much thought to that. Say she was afraid of Fitz—that's reasonable. He might have threatened her, if she took Archie instead of him."  
 "Now, there's been cases where nuts have gone around with hypodermics jabbing girls on the street. We sent a dope for that last year. Now one of them bumps into her, see?"  
 In his eagerness Dan Flaherty was lapsing back into the vernacular of his native Ninth Ward.  
 "No use asking why, there ain't no reason in what a nut like that does. Anyway, she's all doped up when she gets into her apartment. Thinks a pin stuck into her, and there's a pin in her dress—probably picked up in the taxi. Her maid goes out and she lies down and goes to sleep. I've heard of this twilight sleep. They know what's going on but they can't remember any of it afterwards, see?"  
 "Now, she's dead to the world, but she isn't. Get me? Fitz comes along an' she lets him in. They get into a scrap an' she pulls the gun on him. He grabs for it an' it goes off and gets her in the arm, in the tussle. The gun drops an' she grabs it an' lets him have it through the heart."  
 "Then she drops the gun down the chimney, drags Fitz over to try to put him on the couch, finds she can't lift him an' then gets faint from her own wound an' flops where we found her. How's that, Max?"

"A good theory if it wasn't for the snow, Dan," smiled Max Michaelis. "You mustn't leave the snow out of your calculations. The persons who planned and committed this crime overlooked the snow. If the gun was dropped down the chimney it was done before the snow fell."  
 "Fitz might have lingered alive for hours," suggested Frazier. "With a bullet through his heart? You heard what the Medical Examiner said," objected Dan Flaherty. But Max Michaelis smiled in assent.  
 "You're getting warm, Martin," he said. "That would explain why there were no tracks in the snow."  
 "Fitz could have done it!" exclaimed Frazier.  
 "What? Dropped the gun down the chimney after he was shot through the heart?" demanded the Inspector, incredulously.  
 "Doped the girl, I mean," explained Frazier. "That what you wanted to ask Henderson, Max? If he saw Fitz when they got out of the taxi? I'd almost forgotten it, but someone told me that Fitz had taken the dope cure—used to be an addict. He'd be familiar with hypodermics."  
 "You'll have a hard time convincing me that he could have lived more than a few minutes with that hole in him," said Flaherty, "but say he could. It all comes clear. He dopes the girl—jabs her on the sidewalk. Waits until Henderson and the maid have come out, then goes in, like I said. Now, maybe the girl didn't shoot him after all. He shoots her in the fight for the gun—she isn't as dopy as he expected to find her. Then she bleeds all over the place and he thinks she's dead. Shoots himself—he could have done it. If he was thinking quick he could have dropped the gun down the flue, got back to the apartment, all before he collapsed. Then she comes to, sees him there, calls up Archie, flops again and doesn't remember a thing when she wakes up."  
 The car drew up in front of the entrance of the Highhart building.  
 "One thing I meant to ask you, Martin, though I think I know the answer," said Michaelis, as they went up in the elevator. "Do you remember how we happened to think the gun might be down the chimney?"  
 "That was Tony Martinelli's hunch," said Inspector Flaherty. "No; Tony heard me suggest it," Frazier contradicted. "I remember saying it might be there, but dropped that idea as soon as we saw how the top of the chimney

was covered." Max! You don't mean...  
 "Remembered where you got the chimney suggestion, have you?" smiled Michaelis.  
 "I don't know what you both are talking about," growled Dan Flaherty, as he pressed the button at the door of Henderson's quarters.  
 "You will be in a few minutes, Dan," Max Michaelis reassured him.  
 Through a perforated disk covering a house telephone at the side of the door the voice of Elmer Henderson answered the ring.  
 "Who's there?" he asked.  
 "Martin Frazier," responded the Assistant District Attorney. "Dan Flaherty and Max Michaelis are with me."  
 "Pardon me a moment," said the voice. "I hadn't expected you quite so soon."  
 Frazier and Flaherty looked at each other wonderingly, then at Max Michaelis, whose face was sphinxlike. Presently the door was opened by Henderson himself attired as for a wedding or a church.  
 "I've dismissed my man," he apologized. "Come right in, gentlemen."  
 "Expecting us, were you?" asked Dan Flaherty, in a puzzled tone.  
 "Oh, yes; ever since you posted your men all around the building about four o'clock this morning," was the amazing reply. Henderson smiled at the three of them as cool and self-possessed as he had been in the poker game the night before.  
 "Shall we sit down at the same table?" he inquired, as the visitors shed their wraps. "Excuse me just a moment," he went on, as the four seated themselves. "I just want to date and sign some papers."  
 He picked up two long sheets of paper which were lying on the table around which they had played poker the night before. At the bottom of each sheet he affixed his signature.  
 "These might as well be witnessed," he said, turning one sheet face down over the other so that only the name he had written and a blank space beside it showed. "Will each of you gentlemen be good enough to sign as a witness to my signature."  
 He passed his fountain pen across the table and each signed in turn. Then Henderson reversed the sheets and again witnessed his signature.  
 He took the papers back into his own hands and folded each of them. One of them he passed across to Max Michaelis.  
 "Will you be good enough to take charge of this for me?" he asked. "Don't bother to read it now."  
 The other document he held in his own hands, looking from Michaelis to Frazier and Flaherty, as if uncertain as to into whose hands to place it.  
 Inspector Flaherty took advantage of the pause for a question which he had been fairly bursting to ask.  
 "What do you mean about posting my men around this building?" he demanded. "I haven't posted any men here."  
 "No, Dan, they were my men," interposed Michaelis. "You see, I wasn't sure until I got this telegram that it was a case for the police."  
 He drew from his pocket the yellow envelope which had been delivered to him at the hospital, and glanced significantly from it to Henderson.  
 "I had a message, too," said Henderson. "A long distance call from Pasadena. I still have friends there. I take it your telegram is from the same place?"  
 "Precisely," replied Max Michaelis. "And I take it that one of the documents you have just signed is a confession."  
 Henderson's eyes indicated surprise by the slightest of flutters, then looked full at Max Michaelis with unconcealed admiration, while the other two stared from one to the other, perplexed and amazed.  
 "Yes," was Henderson's cool reply and the other is my last will and testament. It is a pleasure, when one is beaten, to realize that one has yielded to superior brains and not merely to superior force."  
 "Suppose you let it lie there a minute, Henderson," said Michaelis, as the inventor proffered the second document to Inspector Flaherty. "I appreciate your intended compliment, but you have been beaten neither by superior brains nor by superior force, unless you count the forces of Nature."  
 "It was not the Czar's armies but the snow that defeated Napoleon in Russia; it is not the police nor myself that has beaten you, Henderson, put the snow. The snow that you did not know anything about, never had seen, had not the experience with which to calculate upon its probability or to measure its ruinous effect upon your ingenious plot."  
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