

The PENTHOUSE MURDER



TWELFTH INSTALMENT

"Shall I explain to you, Henderson, wherein your plot failed, and at the same time explain to Inspector Flaherty and Assistant District Attorney Frazier the modus operandi of your crime? How much time have we?"

Henderson glanced at his wrist watch. "I shall be able to check you up, if you have gone wrong in any of your deductions, for about another half hour," he said. "Afterwards—who can tell? Again, Mr. Michaels, I bow to your superior institution and reasoning powers. I confess I am curious to learn how your suspicions were first directed in my direction."

He shrugged his shoulders expressively, with a courteous smile. "What's all this about?" demanded Inspector Flaherty, impatiently. "Henderson, did you kill Fitzgerald?"

"Not only that," said Max Michaels, "but he administered to himself a dose of slow-acting poison—hypodermically. I presume, Henderson?—which gives him another half hour of consciousness before he lapses into the sleep from which there is no awakening. Am I right, Henderson?"

"Suicide?" exclaimed Martin Frazier, as Henderson nodded in confirmation of Michaels' statement. "We can't allow that."

"Suicide, I understand, is not a crime," Henderson suggested. "It is much preferable to death by electricity."

"No, but attempted suicide is a crime and connivance at suicide is also a crime," said Frazier. "We would all be guilty. I shall telephone at once for a physician."

"As you please," Henderson assented. "It will be quite useless, I assure you. The deed is already done. It is as irrevocable . . . as irrevocable as Stephen Fitzgerald's death. There is no antidote known to science for the virus which is already coursing through my veins. However, if it will satisfy the law to send for a doctor, I have no objection. You will find the telephone in the foyer, Frazier."

The Assistant District Attorney

Mattie Mae Powell
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hunted to the telephone, while Dan Flaherty looked at the unperturbed countenance of Elmer Henderson with an expression in which amazement was mingled with admiration.

"I owe you an apology, Henderson," he said, after a moment's steady scrutiny. "Last night I said you were a great poker player and a good winner, but that I thought you'd show a yellow streak if the game went against you. I take that all back. You're a rat, but you're a game little rat, at that."

"Thank you, Inspector," replied Henderson politely. "I am a soldier of fortune—a gambler with life, if you like—and when I lose I pay without grumbling."

"There'll be an ambulance from Bellevue here in a few minutes," reported Frazier, returning from the telephone.

"I'll make my recital brief, then," said Michaels. "Martin, am I right in the belief that it was Henderson who suggested to you the idea that the revolver might be found at the bottom of the chimney?"

"Yes; that was a suggestion casually dropped by him when I called him up last night and reported that Miss Lane was still alive," agreed Frazier. "We naturally talked about all the details, so far as we knew them at that time. I told him, I remember, that the weapon had not been found, but that we had not looked outside of the apartment for it as yet. He said something to the effect that it might easily have been thrown out the roof into the street, down the chimney or into the elevator shaft. I attached no special significance to what he said then. It was merely following out my own line of thought."

"But it was said with a purpose," Max Michaels resumed. "The purpose was to pin the crime irrevocably on Archie Doane, which the discovery of the gun in the chimney would have done, had the evidence of the snow not proved that he could not have put it there."

"The snow ruined your plot, Henderson," he went on. "It was obvious after the first minutes, gentlemen—to me, at least—that both Miss Lane and Fitz had been shot before the snow fell. Regardless of what the Medical Examiner said as to the time Fitz could have lived with a bullet through his heart, I was convinced that he had lived for three hours, possibly longer, after being shot. A vague memory of a similar case stirred in my mind. While we were hunting for clues and discussing those we had found, the memory came clear."

"It was a case which was widely reported in the newspapers, of a man, shot through the heart, who had been kept alive for several hours thereafter by the prompt administration of a hypodermic injection of adrenalin, the drug extracted from the suprarenal glands, which control the pressure of blood in the arteries."

"As soon as I remembered that I asked the medical examiner to look for any abrasion of the skin on Fitzgerald's body. You know what he reported—a puncture that could have been made by a hypodermic needle."

"That did not connect anyone specifically with the crime, but the finding of that revolver at the bottom of the chimney did."

"It was the ideal weapon for the crime. Access to it could be attributed to Doane. And it was equipped with a silencer."

"Only five persons concerned, so far as we know, had an opportunity to abstract that particular weapon from the Highart studio. Those five persons were Fitz himself, Miss Lane, Adele Marceau, Archie Doane and Elmer Henderson."

"The circumstances eliminated both Fitz and Miss Lane. They also eliminated Doane, because of the absence of any way in which he could have thrown the pistol down the chimney without leaving tracks in the snow. We did not know then whether the maid was involved or not, but I dropped her from consideration for the time being, after hearing the janitor's story."

"I decided to concentrate first on Henderson, and the more I reviewed the situation, the more clearly it all pointed to him. Yet there was nothing conclusive."

"If my theory was right, then Miss Lane did not telephone to Archie Doane. She was lying there, unconscious, with Fitz's dead body on the floor. Who did telephone Doane then? And why?"

"Miss Lane had been making voice tests in Henderson's studio—recording her voice on film by his new method. Archie Doane confirmed my suspicion that the words he heard over the phone were the exact words from a part she had been taking in a sound picture. What would have been easier than for Henderson to have called up Doane's rooms, switched on the film in his soundproof laboratory here, and let Archie hear the frantic call for help in his fiancée's own voice?"

"But we were all playing poker right here, at the time," Dan Flaherty objected. "A perfect alibi," Michaels admitted, "except that you may recall that at just about eleven o'clock Henderson called attention to the time and went into the other room on the pretext of

hunting for the whiskey, saying his man had gone out.
Concluded Next Issue

EXECUTRIX NOTICE

**NORTH CAROLINA
SURREY COUNTY.**
Having qualified as Executrix of the estate of John Wilmoth, deceased, late of Surrey County, North Carolina, this is to notify all persons having claims against the estate of said deceased to exhibit them to the undersigned at the 9th day of September, 1938, or this notice will be pleaded in bar of their recovery. All persons indebted to said estate will please make immediate payment.

This 9th day of September, 1937.

ETTA WILMOTH,
Executrix of John Wilmoth, Dec'd.
10-21

NOTICE OF PUBLICATION

**NORTH CAROLINA
SURREY COUNTY**
In The Superior Court
Mamie Simpson France, Plaintiff

Vs.
Ernest J. France, Defendant.

The defendant, Ernest J. France, will take notice that an action entitled as above has been commenced in the Superior Court of Surrey County, N. C. by the plaintiff for an absolute divorce against the defendant; and the said defendant will further take notice that he is required to appear in the office of the Clerk of Superior Court of Surrey County in the courthouse at Dobson, N. C. on the 16th day of October, 1937, and answer or demur to the

complaint of the said action, or the plaintiff will apply to the court for the relief demanded in the said complaint.

This the 16th day of Sept., 1937.
F. T. LEWELLYN,
10-14 Clerk Superior Court.

NOTICE OF FORECLOSURE SALE

DCA-2703-Cothren
Under and by virtue of the power of sale contained in that certain deed of trust executed by J. L. Cothren and wife, Etta Cothren and L. E. Spencer, to Carolina Mortgage Company, Trustee, dated June 1, 1927, Surrey County, Registry, North Carolina, the undersigned as the duly appointed substituted trustee (see Book 129, page 434, of said Registry), will offer for sale at public auction at the courthouse door in said county, in the city of Dobson, N. C., at 12 o'clock noon, on Monday, October 11, 1937, and will sell to the highest bidder for cash the property described in said deed of trust as follows:

Bounded on the North by Elk Spur St., on the East and South by R. G. Franklin, and on the West by W. G. Church. Beginning on a black oak on the South side of the Elk Spur Road in West Elkin and running South 20 degrees West 396 feet with R. G. Franklin's line; to a stone; thence South 80 degrees West 110 feet to a stone; thence North 20 degrees East 396 feet to a stone on road; thence down the road 110 feet to the beginning. Containing one acre of land, more or less.

The above described property being the same land conveyed to J. L. Cothren by deed from L. E. Spencer, dated February 28, 1925, and filed for registration on the 2nd day of March, 1925, in the office of Register of Deeds, County of Surrey, State of North Carolina. Recorded in Book 98, page 150.

This sale will be made subject

to all outstanding and unpaid taxes and other assessments, if any.

This sale is to be made on account of default in the payment of the indebtedness secured by the aforesaid deed of trust, and is made pursuant to demand made upon the undersigned by the holder of said indebtedness.

This 9th day of September, 1937.

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10-7 Substituted Trustee.

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