The PENTHOUSE MURDER

by Carol Gordon

SEVENTH 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, 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 telephone 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.

All circumstantial evidence points to Archie Doane as the murderer, especially when the murder gun is found carefully placed in the [illegible]

[illegible] search began, which [illegible] expected [illegible] Archie could escape at [illegible] Green minute. [illegible] [illegible] Flaherty [illegible]

The weapon dangled, muzzle down, from the Inspector's finger

"No, sir; everything was in perfect order, except for the bodies," was the camera man's reply.

"I'll ask Archie if he found them in disorder," said Michaelis. He was starting toward the door of the studio where Doane was resting, as the telephone rang. Inspector Flaherty answered.

"It's for you, Martin," he said to Frazier. The Assistant District Attorney picked up the receiver, as Michaelis went into the studio. Inspector Flaherty was about to follow when Detective Martinelli came thru the front door. He carried something in his hand the nature of which Frazier's glance as he spoke into the phone, did not distinguish.

"Here's something interesting, Chief," said the detective, with a motion of his head toward the bedroom, into which Flaherty followed him.

Frazier joined Michaelis and Doane a minute later. "That was Doctor Carrel on the phone," he said. "Miss Lane will pull thru. She has recovered consciousness and [illegible] twelve hours or so will be able to [illegible] Carrel says. So far she is [illegible] a daze and remembers only that 'I opened' [illegible] door from the hall [illegible]

[illegible] of Archie Doane. "Then this whole horrible business will be cleared up."

"I hope so. It's a Chinese puzzle now," said Inspector Flaherty, entering the room. He carried one hand behind him, and the expression on his face was grave and stern.

"Here's something which tangles the whole business," he said facing Max Michaelis and Archie Doane. "Did you ever see this before, Doane?"

He whipped his hand from behind his back and displayed a nickel plated pearl-handled revolver.

The weapon dangled, muzzle down, from the Inspector's finger, which was thrust thru the trigger guard, and on the end of the barrel was the sinister cylinder of a Maxim silencer.

"Don't answer, Archie," commanded Max Michaelis, as Doane was about to speak, "Where did you get that, Dan?"

"Tony found it at the bottom of the chimney," Inspector Flaherty replied. "It's a thirty-two, and two shots have been fired from it recently."

Max Michaelis smiled as he turned to Doane. "All right, Archie," he said. "You can answer the Inspector's question."

"Yes, I've seen that, or one just like it, before," said Doane. "It's either the pistol I've been using in the Highhart Studio, or its twin—Probably you'll find my fingerprints all over it."

"That's another part of the puzzle," responded the Inspector. "I've just had the Bertillon man go over it, and there aren't any fingerprints on it at all."

"Aren't we wasting time, gentlemen?" asked Martin Frazier, after Detective Martinelli had told them how, with the aid of the janitor, he had searched the courtyard only to find nothing, and then, acting on what he called a "hunch," had had the man show him the location of the clean-out door at the bottom of the chimney flue, and there, half buried in soot and ashes, had discovered the pistol.

"Wasting time, for by afternoon, Doctor Carrel thinks, Miss Lane will be able to talk. It's two o'clock in the morning now. I think we'll all be able to think clearer if we get some sleep and come at this problem fresh. Probably it will prove to be no problem at all when he have heard what Miss Lane has to say."

"Meantime, the murderer may be making a clean getaway," objected Max Michaelis. "You see clearly, of course, Dan, that the discovery of this pistol at the bottom of the chimney, assuming it to be the pistol belonging to Highhart Films, which can be easily ascertained, absolutely clears my client."

"How so?" demanded the Inspector.

"I'll leave it to Frazier, as a public prosecutor," Max Michaelis answered. "Could you make any jury in the world, Martin, believe that Archie Doane, standing in the doorway of the bedroom here—for we know by evidence of the footprints in the snow that he did not get near to the chimney than that—could throw this pistol so accurately as to hit a hole in the side of the chimney top twenty feet away, without disturbing the snow on the edges of the hole? Throw it with gloves on—for there are no fingerprints on it?"

"It would have to be backed by pretty positive proof of other incriminating circumstances," [illegible] ted Frazier. "But men have [illegible] cent to the chair on no clear-cumstantial evidence than has accumulated around Archie so far."

"Let me look at that gun please, Dan," said Michaelis. The Inspector laid the implement on a table and the lawyer focused the rays of an electric floor lamp upon it while he scrutinized it from every angle.

"Look it over, Dan" he said, at last. "See if you can find a scratch on it."

"Not a scratch," the Inspector admitted, after a minute examination.

"Then the feat which you attribute to Archie—"

"I'm not attributing anything to Archie, Max," objected Flaherty. "I'm only hoping we can find an 'out' for him. Circumstances are attributing things to him, not me."

"Well, put it another way, then," smiled Michaelis. "It would be a wonderful feat of skill for anybody to throw this gun into the chimney in the way it must have been thrown if it was Archie Doane who threw it; that's admitted. The chance of it striking that hole by accident, if it were merely thrown blindly, is about one in a million, for a rough estimate. But accidents do happen, and juries are prone to believe in them.

"Now if this pistol had been thrown from any distance, even a few feet, and had accidently traversed the only possible course thru the air which would take it directly into that hole in the chimney, what would have happened? Would it suddenly have altered its trajectory in the center of the flue, and from traveling horizontally, or nearly so, have changed to a vertical course downward? Is it possible, under the known laws of gravitation for a missle to take a sudden right angle drop, unless it happens to strike an obstruction of some kind?"

"I get you, Max," said the Inspector. "If this gun had been thrown into the chimney it would have hit the bricks on the other side and there would be a scratch on it to show where it had struck. Instead, it was dropped into the flue and struck nothing but a soft bed of soot and ashes at the bottom.

"Now, let's see what that means."

Max Michaelis answered him. "If this is the gun from which the bullets were fired which killed Fitz and wounded Miss Lane," he said, "it means that the murderer either dropped the pistol down the chimney early in the evening before there was any snow on the roof to mark his footsteps, or that he slipped down to the basement and planted the pistol at the bottom of the chimney, after doing the shooting.

"Now, either of these assumptions lets Archie out. We know where he was until nearly eleven o'clock. Besides, we have the medical examiner's word for it that Fitz had been shot not more than an hour before we arrived. I think we can rule out the idea that the gun was dropped down the chimney from above at any time after the snow fell.

"As to the gun having been planted in the bottom of the chimney after the shooting, that begins to sound reasonable, and also to fit in with the idea that whoever did the shooting slipped out of the apartment thru the front door while Archie was at the back door."

"Locking the door behind him, eh? Well, who had a key?" asked Inspector Flaherty. "You haven't eliminated yet the possibility that Archie himself went down to the cellar and hid the gun, before he telephoned me. He could have left the burglar lock off, then fastened it again from the inside after he got upstairs. I'm not accusing you, Archie, but just pointing out the holes in your defense."

"Tony," he went on, addressing Detective Martinelli, "go down and bring the janitor up here. He can tell whether anyone went to the basement tonight unless he's in this himself. He might have a set of keys to every apartment in the house."

"But hardly either a motive for the shooting or the opportunity to purloin this pistol from the Highhart Studios," remarked Michaelis. "And that suggests to me that we have been overlooking a possibility. Where is Miss Lane's maid? Who is her? Presumably they got all night off on Saturday, right? When did she get off? Where do she go? Who is her?

"Much looking into, Dan?"

"Yes, I'm that, too. I keep [illegible] [illegible] [illegible]