

THE BLACK MASK

A MAGAZINE OF MYSTERY, THRILLS AND SURPRISE

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The Police Sometimes Guess Wrong

By Harold Ward

I

MY visitor dropped wearily into the chair across the desk from me, a look of horror on his pale, weak face.

"There's been a murder!" he gasped thickly. "Old Levi Jones—Jones, the money lender! Stabbed! Safe opened and rifled—everything taken!"

"Who killed him?" I snapped.

"I—I don't know." He buried his face in his hands and sobbed softly for an instant. "I went there to rob him. I found somebody had beat me to it and had—killed—him! Oh, God! It's horrible!" he ended, sobbing again.

"Let's get the straight of this," I commanded gruffly. Police chiefs are not usually the sweetest tempered men in the world, and I am no exception to the rule—especially when I have been without sleep for forty-eight hours, as in the present instance. "You say that old Jones is dead—murdered—his safe robbed? I've had no report of it. Now who the devil are you and how does it come that you know so much about the affair?"

My visitor stopped his snivelling abruptly.

"I'm Tompkins," he answered shortly, as if the mention of his name settled the whole affair.

"That fails to enlighten me," I growled. "Elucidate."

"I am—or was until this afternoon—Jones' clerk. We had a racket—a quarrel—and he fired me. Let me go with-

out a second's notice. And he owed me four hundred dollars commission for dirty work that I've done for him. Refused to give me a cent of it. Told me to go to the devil when I threatened to tell the police of some of his crooked deals. Said that I was as deep in the mire as he was in the mud and that his word, because he was rich, would go farther than mine anyway. That's why I—that's the reason I went there to rob the safe tonight—just to get what was coming to me. I swear I didn't intend to take a cent more than he owed me."

I nodded comprehendingly.

"All right. Now go ahead with your story," I said, a trifle more gently than before.

Tompkins dabbed at his eyes with his handkerchief.

"I went to the office tonight just about midnight," he explained, "intending to let myself in with my passkey. When we had our racket today the old man forgot to ask me for it and I was too sore to give it to him—me who's done his dirty work for five years past and then getting fired that way.

"I knew that he hadn't had the combination on the safe changed, and he and I were the only ones who knew it. I knew that if I got the four hundred he owed me he'd never dare squeal. And even if he did I'd be far enough way by morning to be out of danger. You know where his office is?—fifth floor of the Torrence Building. I climbed the stairs

rather than take the elevator, figuring on not taking any chances.

"I didn't meet a soul on the way going up. The office was dark. I let myself in with my passkey, stood inside the door listening for an instant, then pulled down the shade so that there would no light show through the ground-glass panel of the door. Then I tiptoed my way to the two windows and pulled down their shades and then punched the electric-light button. I don't know why I tiptoed. No one knew that I had been fired, and anyone in the building would have presumed, had they noticed me, that I was there working overtime, as I often have in the past. I suppose that it was the natural caution a man feels when he knows that he is somewhere he hadn't ought to be."

He hesitated a second. Then: "I suppose that you'll think I'm a darned liar when I tell you what happened," he finally resumed.

"Go ahead!" I said shortly.

"When the lights flashed on I naturally took a survey of the room. The safe was standing open with a lot of papers that had been in it strewn about the floor.

"I knew then that somebody had been there ahead of me—might be there then. You can bet that I lost no time in making for the door.

"I was scared—scared all over. I had that creepy feeling that a fellow gets at such times. And just as I got my hand on the knob I heard a noise from the private office—the office the old man uses—used, I mean—in which to receive his clients.

"It sounded like a moan—a sort of dull, throaty groan!

"Every hair on my scalp rose straight up. I turned my head involuntarily in the direction from whence the sound came.

"*Through the door I saw the old man sitting behind his desk, his head hang-*

ing over the back of his chair! The handle of a knife was sticking out of his chest, and his whole breast was covered with blood!

"Right then and there I opened the door and fled. You couldn't have held me in that room with a million dollars."

"Did you see anyone in the corridor as you passed out?" I asked.

Tompkins looked sheepish.

"That's one of the reasons I hurried right here, Chief," he answered. "One of the fellows who cleans the rooms—janitors I guess you'd call 'em—was puttering around in the hallway a dozen doors down. I'm pretty certain that he saw me. They all knew me by sight, probably, and I knew that as soon as the murder was discovered he'd remember seeing me come out and report me.

"My first idea was to beat it out of town. But I'm short on money and I knew that you'd get me sooner or later anyway. So I decided to get to you first, make a clean breast of what actually happened and turn myself over to you for attempted burglary before you got me for murder."

"How long ago did this happen?" I demanded.

Tompkins shuddered.

"Not over ten minutes," he answered. "You know the Torrence Building's only six blocks away and I hurried here as fast as my legs would carry me."

I jabbed the button which brought Moore of the Detective Bureau to my side.

"Get a couple of your best men and come with me!" I told him. "Somebody's snuffed old Levi Jones's light out."

Moore gave a quick glance at Tompkins.

"The old devil's been flirting with trouble for the past ten or fifteen years!" he remarked dryly, as he turned to obey my order. "Meet you in the

hallway, Chief, with Dugan and Miles, in about two minutes."

II

THINGS in Jones's office were as Tompkins—who was shaking as if with the ague when we entered the room—had described them. In the outer office the lights were still burning as he had said he had left them. They disclosed to view a safe rather larger than the ordinary, the door of which was standing wide open. Drawers had been pulled out and their contents scattered about the floor.

Giving Dugan, who was a finger-print expert of more than ordinary ability, his instructions, the remainder of us entered the smaller office.

Jones was seated in a high-back, broad-armed, leather-upholstered chair, his right side turned toward the door. His body was slumped backward, his head hanging over the back of the chair in an indescribable—almost grotesque—position. His eyes were wide open, staring glassily at us. Never a handsome man, with his long hooked nose and thin, cadaverous face surmounted by its thatch of unkempt hair, in death he was positively repulsive.

From his left breast protruded the handle of a knife. It had evidently been driven from behind over his shoulder and with tremendous force straight to the heart. That death had been instantaneous there was not a doubt. A thin stream of blood had flown from the wound, staining the shirtfront a dull brownish crimson.

I took one of the old man's claw-like hands in my own. The body was already beginning to grow cold. I deduced—and Moore and Miles agreed with me—that he had been dead at least an hour.

I turned to Tompkins, who had dropped into the nearest chair and was again sniveling to himself.

"Have you ever seen that knife before?" I asked, pointing to the weapon in the dead man's breast.

Tompkins nodded.

"God! Yes!" he answered. "It was his. Somebody gave it to him once—always kept it on his desk for a paper weight and letter opener."

I called Dugan from the other room.

"Look that knife-handle over for prints!" I told him.

The little detective busied himself with his magnifying glass for a brief time. Then he turned to me with a shrug of his thin shoulders.

"Th' fellow that did this job didn't even go to the trouble of wearin' rubber gloves, Chief. He did the same with this handle that he did with the safe—wiped everything off with a cloth. Maybe used alcohol. There isn't even a chicken track on either one of them!"

I turned to Moore.

"Find the caretaker and have him bring up the janitor who takes care of this floor," I instructed.

Then I commanded Tompkins to make a hurried inventory of the contents of the safe. He skimmed over the various papers inside of the pigeon-holes and on the floor, completing his task inside of five minutes.

"There was over five thousand dollars in there when I quit this afternoon," he announced. "In addition several securities that I have noticed in one of the drawers—valued probably at ten or fifteen thousand—are gone. I know that they were there when I left the office, because the old man had been checking them over, and I saw him put 'em back. It was past banking hours, then, so that the thief must have taken them."

I looked at Dugan.

"How was the box cracked?" I asked.

The little detective grinned.

"'Twasn't cracked, Chief," he answered. "The fellow that got inside that box worked the combination. The only

fellow that I know who's clever enough for such a job is Eddie New."

The sniveling Tompkins let out a lusty squawk.

"I tell you it can't be!" he wailed. "Nobody knew the combination except old Jones and myself!"

I turned to the telephone on the desk and called up Headquarters.

"Lenny," I instructed the sergeant who answered, "look up the records and tell me where Eddie New is right now."

In less than a minute the answer came back over the wire: "Chief, Eddie's laid up with a broken leg—result of an automobile smashup—in Greely's hangout. Got hurt the week after he got out of stir."

I hung up the receiver with a bang.

Obviously the murderer and thief was not Eddie New, the only crook in the city really competent of opening a strictly modern safe such as that before us without damaging the mechanism. Nor was Eddie New the sort of man to commit a murder; he was of the more modern, "Jimmie Valentine" sort—clever with his fingers, clever with his head, planning his work as carefully as a business man plans his deals, guarding every contingency before taking a step.

There was a bare possibility that Jones had opened the safe himself while entertaining some visitor, and that later the visitor had taken his life and made away with the money and securities. But granting that such was the case, why had the murderer gone to the trouble of carefully wiping the finger prints off from the safe? For in such a case the only prints would be those of the dead man himself. Verily the affair was assuming some angles that gave food for thought.

III

MOORE entered with Grady, the head janitor, and a pale, dull-appearing man whom he introduced as Billy Murphy,

who, according to Grady, did the cleaning on the fifth floor. Tompkins identified him at once as the man he had seen cleaning the corridor at the time he made his escape from the office after discovering the murder.

Murphy, readily admitting that he had noticed Tompkins leave the office hurriedly about midnight, came forward with a story which complicated matters worse than ever:

He had been working some distance down the hallway between ten and eleven o'clock. At that time, chancing to pass Jones's office, he had seen a light shining through the ground-glass door. About half an hour later, again passing the door, he had heard the sound of voices—one low and indistinct, the other plainly recognizable as that of the money lender himself.

He imagined that he had heard a cry. Yet he was not certain. At any rate, Jones's voice had stopped suddenly, but inasmuch as he, Murphy, was moving down the corridor at the time, he had given the matter no more thought.

Later he remembered again passing the office and noticing that the light had been extinguished. That was all that he knew about the affair until he saw Tompkins rush out of the place about midnight.

The man was plainly nervous and ill at ease, as is usually the case of the more ignorant when brought face to face with the law for the first time. Yet something about his manner caused me to do some hurried thinking. When he had completed his story I ordered him searched.

Hidden in his inside coat pocket Moore found a package of bills amounting to nearly one thousand dollars!

IV

WHENCE came that money? Hundred-dollar-a-month janitors are not apt to be carrying huge amounts of cash

about their clothes. Breaking down under our questioning he said that he had found the money in the hallway close to the door at the time he had passed the office a third time and discovered it dark. He was a poor man, he said, with a wife and family to support. He had at first intended turning the money in to Grady, his superior, but later decided to keep it, hiding it until the hue and cry which was certain to follow its loss had blown over, when he would bank it a small amount at a time.

There was nothing for me to do but hold William Murphy for the murder of Levi Jones.

He confessed.

Yet after he had admitted to the killing of Levi Jones I felt that he was a liar even though his confession as I had written it and with his rambling signature at the end lay before me. The pieces refused to dovetail together.

Although policemen refuse to admit that there is such a thing as the "Third Degree," seldom is a confession secured without using some method which would not stand the limelight of publicity. The newspaper boys know it and wink at it. It is necessary and, in some form or another, is used the world over. It is part of the price the criminal pays for his war against society. I used the "Third Degree" on William Murphy.

A glance at his peculiar complexion and the nervous twitching of his facial muscles showed that he was a "dope." The presence of a small quantity of cocaine in his pocket substantiated the fact.

It was nearly morning when we arrested Murphy. He had been working all night. Naturally, he was tired and sleepy. For the remainder of that day and half of the following night Moore, Dugan, Miles and myself took turns keeping him awake. We questioned him constantly and from a thousand angles. He refused to tell a different story than

the one he had given us at first—that of finding the money in the hallway.

On the table before his weary eyes we laid a big package of "dope." At frequent intervals we brought into the room other "snowbirds." We gave them free rein to the "snow." The joyous light that overspread their features as they sniffed the poison was enough to break a stronger will than that of William Murphy. He finally gave up.

I read to him the confession as I had reconstructed the crime. According to my deductions Jones had gone to his office to work. He had opened the safe and was in his private office when Murphy entered to do the cleaning. In front of Jones was a package of bills he was counting. The paper cutter lay before him. Naturally he thought nothing of seeing Murphy—a man who was in the office daily—busied about his duties.

Working up to a point close to the money lender, Murphy had suddenly leaped forward, seized the old man by the throat with one hand and with the other plunged the knife into his breast. Even if there had been an outcry, no one would have heard it at that time of night and on that deserted floor. Recalling the stories he had heard of the folly of leaving finger-prints, he had hastily wiped off the knife-handle and the safe dial with his dust cloth—after looting the safe—and hurried back to his work, springing the lock on the door after him.

This was the crime as I reconstructed it and the confession in substance that Murphy signed.

He repudiated it next day at the preliminary hearing, upon the advice of his attorney.

And I, despite the fact that he had confessed to me, felt that the confession was a falsehood. For there was one weak spot in the whole affair.

Tompkins stuck to his assertion that

there had been at least five thousand dollars in cash in the safe and securities amounting to between ten and fifteen thousand dollars. There was every reason to believe that as Jones's clerk he knew what he was talking about. We had found less than a thousand dollars on Murphy when we searched him.

Granted that I was right and that the confession I had forced from the janitor was the truth, what had become of the remainder of the money? Murphy was not clever enough to hide it and keep it hidden in the face of the terrific grilling we had given him. Nor, on the other hand, was he clever enough to act as the tool for someone else, the payment being the money we had found on his person, and keep from disclosing the fact under the "Third Degree."

There was something decidedly rotten in Denmark. I was man enough to admit this fact to Moore and his men during the recess after Murphy had taken the stand at preliminary hearing and to admit to them also that if Tompkins confirmed his statement regarding the amount of money when he took the stand that we would have considerable trouble in getting a conviction when the case came to trial. For the court had appointed to defend the janitor a young attorney of more than ordinary ability—a man who might be expected to do his utmost for his client on account of the advertising he would receive in case of an acquittal.

V

TOMPKINS was the first witness called after recess. He was visibly nervous, yet he retold the story he had told to me almost word for word. The prosecuting attorney was about to turn him over to the attorney for the defense for cross-examination when, like a bolt out

of a clear sky, the truth suddenly came to me.

I leaned across the table and whispered to the prosecutor. A startled look flashed across his face, and an instant later he was on his feet moving for an adjournment. His motion was granted. Five minutes later he, Tompkins, Murphy and his attorney, Dugan, Moore, Miles and myself were closeted in the prosecutor's rooms.

I turned upon Tompkins.

"You cur!" I shouted, shaking my fist under his nose; "you killed Levi Jones yourself, and I, like a fool, almost sent an innocent man to the gallows for your crime!"

He shrank back, while a gasp of astonishment went up from the others in the room.

"I—I—" he commenced to stammer. But I stopped him.

"Let me tell you just what happened," I went on. "You and old Jones were working in the office during the early part of the evening. Murphy says that he saw a light when he passed the door. You lie when you say that Jones fired you during the afternoon. The truth of the matter is that the altercation took place at the time when Murphy says that he heard angry voices as he again passed the door.

"You had probably often quarreled before. Therefore, Jones had no suspicion when you passed behind him. You seized the knife and plunged it into his heart!

"The remainder was easy—for you are a smooth customer—so smooth that you had me hoodwinked all the way through! You rifled the safe, wiped off the finger-prints from it and the knife-handle, and then, watching your chance, tossed the roll of bill out into the hallway where you knew Murphy would find them when he started his cleaning. You knew that he was simple-minded—a dope fiend—knew just what his mental

process would be and that he would admit anything under the terrors of the "third degree." That you guessed right is proved by the result.

"Then you turned out the lights and watched your chance. You probably had the door open a crack. You saw Murphy pick up the roll of money, stuff it into his pocket and, after looking around to see that he was unobserved, busy himself with his pail and mop. Then, when you were certain that he could see you, you rushed from the office and past him to the stairway.

"Your scheme was clever—diabolically so. I'm intensely human—human enough not to suspect a man who openly confesses that he went to a place to commit a burglary and finds that a murder had been committed. I swallowed your story like a veritable boob.

"You realized that, under ordinary circumstances, you would probably be suspected. Therefore, by coming straight to police headquarters, admitting your premeditated guilt and telling of the murder, you threw any suspicions I might otherwise have had to the winds. I went into the investigation firmly convinced that you were innocent. I might have run into evidence against you, but you had it all discounted in advance.

"You made one fatal mistake. I made the other. Mine nearly hanged poor Murphy, here, while yours will hang yourself."

Tompkins gulped. Then: "All right, Chief, you've got me foul, I guess. I put the money and securities in an envelope addressed to myself and dropped it down the mail chute. It should have been delivered yesterday afternoon at

my home address. There's just one question I'd like to ask:

I nodded. "Fire away."

"I'll admit that I thought I had things fixed up so that you wouldn't suspect me. And besides I'm a pretty fair actor and I pulled the sob stuff pretty decently you'll admit. But you say that I made one mistake. Do you mind telling me what it was?"

It was my turn to smile.

"Tompkins," I said, "your story was too perfect. Remember you told me—and you repeated the same story on the witness stand just now—that you seized the knob of the outer door ready to bolt when you heard a moan. You turned quickly, you claimed, and through the door you saw Jones sitting at his desk, his head hanging over the back of his chair, the handle of a knife sticking out of his chest and his breast covered with blood. That's where you made you big mistake."

Tompkins looked puzzled.

"I'm still in the dark," he declared.

"Because," I answered, "the position of Jones's desk is such that he was seated with his right side toward the door. He was slumped down in his chair—which is leather upholstered with huge arms, his head hanging over the back and side. It was not until you told your story a second time on the witness stand and I visualized the scene of the crime that the truth suddenly flashed over me.

"From the position of Jones's desk and the way he was sitting with his right side turned toward the doorway, a man standing at the outer doorway couldn't see the handle of the knife which was plunged into his heart!"

