

Murder After the Fact

By E. C. Marshall

Detective Tupps always insisted that the days of criminal brilliance were dead. Yet for a time it looked as if he had run into the murderous exception that proved the rule.

PROFESSOR BAYLISS, Dean of Criminology at Westworth University, pointed a pudgy finger at the window of Inspector Tupps' second-floor office, and sighed moodily.

"It's the general lack of imagination, the inability of the criminal to project a really workable theory, invent a paradox. . ." He paused, looked froglike over his thick-lensed glasses at the seated, slender figure of the chief of the city's detective division, whom he was visiting for their weekly confab.

"The world of the brilliant, clever criminal never was," he continued with an air of discovery. "All that stuff of LeCoq, and Poe, and Doyle—the scheming, cunning brain, quick, infallible, always two paces ahead of the police. Well, maybe in a London fog. But not in New York, not in Chicago, and not here in Westworth!"

Tupps, chuckling, refilled his pipe. A graduate of the Professor's class of '25, he realized that the sheer academic study of a lifetime of crooks and cheap murders had soured Bayliss on crime. Still, he reflected inwardly, the bored tilt of his own eyelids betrayed an infinite acquaintance with the vulgar shoddiness of the lawbreaking mind. A more practical acquaintance than that of the Professor's, but equally resulting in a boundless ennui, compounded of weary years and men.



Bayliss continued. "The data's there. You can plot it out in advance, like a behavior pattern in psychology. High and low, rich and poor. What's the essential difference between the criminal approach of a down-at-the-heel cutthroat and a suburban gentleman with a taste for homicide? Blue jeans and a three-piece business suit, that's all. No studied detachment, nothing above a mere progression from one dull step to the next.

"Your tough mug does it quickly—without thinking—like that," he snapped his fingers, "and then he's off. Just because he's fast on the trigger he doesn't fool around and leave a few decent clues. Your better-fed friend spends days, weeks, months, planning, twisting over his little bag of tricks—what's the result? You get them both in forty-eight hours—or spend six months telling one from the other.

"No use, Tupps. Criminology's a dirty business. Got to keep your hands on the floor and your eyes in the dark. No opportunity, really, for a flight of fancy brainwork."

The dictaphone on the inspector's desk buzzed. Tupps leaned forward in his chair, flipped over the communicator button. "Yes?" he inquired dryly.

The answering voice came crisp and thin like the rustle of wind in dry grass. "Homicide, chief. Just fifteen minutes ago out at the Cardini place on Boxhill Road. We're holding the car."

The Professor came instantly to attention. Tupps gave an inaudible order and closed the circuit. He was out of his chair in an instant.

"Coming along, Professor?" he asked needlessly, as the smaller man picked himself up wearily and started out of the room, "Might be interesting," grinned Tupps. "The Cardinis were always interesting before they went on the straight and narrow."

Bayliss grunted as he got into the back seat of the powerful police car. "Collection of reformed pickpockets. Whole zoo of 'em. Not an advanced idea in the bunch. Take it from me, Tupps, the butler did it—or the penniless but impenitent nephew."

Tupps lighted his pipe as the car lurched forward and began roaring down Westworth's main thoroughfare. "As I remember," he remarked absently, "There are three nephews and a whole brace of butlers.

TWENTY minutes of rapid progress brought them to the quieter streets of the town's western suburb, and after a few minutes more to the driveway and wall that surrounded the estate of the Cardini family, retired barons of beer-running in the days of prohibition. The huge mansion, set on a rising ground some three or four

hundred feet back from the road, was ablaze with lights. From within, as the police car drew up to the great front door, came sounds of hushed excitement.

"Quite a party," said the Professor as he and Tupps preceded the rest of their entourage, consisting of ten policemen, a photographer and the coroner, into the immense entrance hall. He indicated the excitedly whispering groups of well-dressed guests who stood here and there, casting an occasional furtive glance in the direction of the grand staircase.

Tupps inclined his head toward the stairs and watched. The others hurried around. "Wonder where Nick is?" he mused. "The old duffer's usually around playing the family head—"

"Good evening, Inspector."

As the voice spoke behind him, Tupps whirled to confront Nick Cardini. The whisper was deceptive. Tupps stared at the little man whose hard, aggressive eyes bored ahead of him like pointed steel rods. Behind Cardini came a brace of bravos. He inclined his head slightly back toward them, then waved a hand at Tupps. "Mike O'Grogan, Harry Capsan, and my nephew, Pete Cardini."

Tupps stared at them coldly, but nodded his head. Bayliss examined them minutely, squinting his deep-set eyes. The inspector was about to open his mouth when Nick Cardini indicated the drawing room. His nephew laughed harshly, "Don't think you'll have to look far, Inspector. We've got him in there. Caught him cold coming out of Louisa's room."

The murder, it seemed, had been committed at the height of the party. Louisa Cardini, mother of the family, had gone upstairs for a moment, but had not returned for half an hour. Pete Cardini, investigating, had seen the trapped man emerge from her room. Inside was the dead body of Louisa. It had taken the

assembled family only a few minutes, with the aid of some old friends—as Pete mentioned them Tupps raised his eyebrows—to secure the murderer.

Tupps moved toward the drawing room, the family trailing. The door swung open, revealing the lush magnificence beyond. In a chair a man sat smoking quietly. Beside him two friends of the family were on guard.

Tupps motioned them out of the way, took a look and whistled. "Recognize him, Professor?" he asked.

Bayliss smiled. "Best jewel thief in the Middle West. Hello there, Scanlon." He turned to Tupps. "Got anything else on him?"

Scanlon rose from his chair, let out a cloud of smoke. He was a small, thin man, built like a whippet. Dangerous lights played round his ferret eyes. "I'm clean, Tupps," he said with an air of old acquaintance. "Finished a stretch at Hayward."

Tupps glanced at Nick and the semicircle of men behind him. "Nice company you keep," he grated.

Bayliss drawled, "What's surprising about that?" he asked. "Most vultures boast the same kidney."

"Of course, you're quite innocent," remarked Tupps, turning to Scanlon who had resumed his seat.

"Why not? Murder's not my specialty." The little man's eyes traversed the accusing circle.

"Anything missing?" barked Tupps suddenly to Cardini.

Pete lit a cigarette. "If you want a motive, Louisa's emerald necklace is gone. The thing's worth twenty grand, if not more. Sort of fits together, doesn't it? Scanlon's seen coming out of Louisa's room. Louisa is found dead, her necklace missing. What more do you want?"

"Something conclusive. You couldn't keep him twenty minutes in jail on that evidence."

The younger Cardini laughed. "I didn't say he was guilty. That was Nick's idea. But if you want my opinion, he's the murderer as sure as he's sitting there."

Tupps ignored him, peered at Nick. "You say that you found her dead?"

The older man nodded his head slowly. "She was dead," he said in his husky whisper. "As dead as they die. I went into her room when I came upstairs to find out why she hadn't come down. She was sitting at her dressing table trying on the necklace. I spoke to her, and she said she'd be right down. Then I went up to the third floor to get some cigarettes. About five minutes later, coming down, I saw Scanlon walking out of Louisa's room. She was dead on the floor when I went in."

SCANLON turned his cold eyes on Pete as the nephew touched Tupps on the arm and said, "Yeah, I saw him come out, too. Saw him as I was coming up the stairs."

"You're a liar," breathed Scanlon venomously. "You probably killed her yourself."

"Well, whoever did it, did a very clean job. Very little blood around," interrupted the coroner as he walked up to Tupps bearing his little black medical bag in one hand and flourishing a short-hilted, long-bladed letter opener in the other.

"Told you so," murmured Bayliss picking up the instrument from the table where the coroner laid it with his handkerchief. "No fingerprints, of course?" he asked. The coroner shook his head.

Bayliss handed the knife to Tupps. "Arrest the maid," he grinned.

Nick Cardini looked at him quizzically. "There are *two* maids," he said.

Tupps was gazing at the knife. He turned it over and over in his hands, then beckoning to the coroner, went outside and upstairs.

The inspector was gone a long time. When he finally came back, he walked to the telephone that rested on the huge desk and made a long distance call. It was impossible for the others to hear as he talked in low tones.

After a time, he looked up, scanned the circle of faces, moved close to the chair where Scanlon still sat.

Tupps was still a yard or so from the ex-jewel thief when he put his fingers into his left vest pocket and extracted something which glittered and flashed. In the light from the great crystal chandelier, Bayliss made out a huge, platinum-set diamond ring. The professor mentally calculated its size. Something around twenty or thirty carats. He thought of its immense value.

Then Bayliss head rocked as a pistol went off at his ear; rocked again as Tupps rapidly ducked, drew his own gun and fired twice. The scream of pain that echoed through the room was followed by a thud as the small pearl-handled revolver that Nick Cardini had drawn and fired at the inspector went spinning into a corner.

BAYLISS expected quiet then. Suddenly Pete Cardini moved. "You dirty—" he began, and turning toward Nick, drew a gun from his pocket. The professor simply shot out a hand and knocked it down. The weapon fired noisily into the floor. Then both Cardinis had been secured and handcuffed, while Bayliss wondered mildly why Pete had screamed imprecations at his uncle instead of at Tupps.

"Nice work," said the professor a little breathlessly. "But which of 'em committed the murder?"

"What murder?" Tupps tossed the ring he was holding high in the air and caught it as it fell, flashing.

Bayliss gestured vaguely toward the second floor. "Mrs. Cardini—"

"Died of heart failure." Tupps smiled faintly.

"That's not surprising," growled Bayliss, "especially when she had four inches of blade sticking in the old pump."

"But she didn't. The blade missed the heart completely. Stuck in the upper apex of the lung instead."

"First it's heart failure. Now it's lung failure." Bayliss stared bewildered.

"No, heart failure. If she'd been alive when she was stabbed in the lung, she'd have coughed up a quart of blood. There wasn't a drop on her."

"Then who stabbed her?"

"Nick did. He stabbed her after she was dead."

"But why should he do that?" Why create the illusion of a murder he never committed?"

Tupps took out his pipe and slowly tamped tobacco into the bowl. "When a man creates the illusion of a murder he didn't commit, he's obviously using the murder as a cover-up for some other crime, a more profitable one."

"I first suspected something was wrong when the coroner told me that Mrs. Cardini had died of heart failure. If she really died of heart failure, she couldn't have been killed by a paper knife. Yet the Cardinis insisted she had been murdered, built up a case against Scanlon. When it became obvious that Scanlon hadn't killed anyone, it simultaneously became clear that either one or both Cardinis were involved."

"But why? Not for peanuts. Not even

for an emerald necklace. There never was an emerald necklace. That story was invented by Nick to swing the blame toward Scanlon. Whether or not the necklace was ever found wasn't important. Scanlon would always be under suspicion of having stolen it.

"Yet, if there had been no murder and no theft, something must have been the cause of all the fuss. It was the ring, of course. I found it in Nick's room, hidden in his highboy."

"Was it part of the non-existent family jewels or did it appear where you found it by special dispensation?"

Tupps smiled. "Diamonds worth fifty grand, at least, come from diamond dealers. When they're not bought, they're stolen. When they're stolen, they're missed. If they're missed, people know about it. I simply phoned the blotter desk at Chicago, and they told me the stone had been taken a week ago. So I flashed it on the Cardinis."

"But I still don't get it." Bayliss gestured nervously toward the bound pair. "What connection has the stone with the murder?"

"The description of the thief I got over the wire tallies with Pete Cardini. He must have been keeping the gem somewhere downstairs. Nick found out about it, and wanted it himself. When he walked in and found Louisa dead, he realized he could grab the stone in the excitement of the 'murder,' while Pete—with a possible rap for jewel theft hanging over him—wouldn't dare make a peep. Nick framed Scanlon, of course. Pete would suspect only Scanlon."

Bayliss glanced at his watch. "Took you a little over an hour. Told you the days of ingenuity were dead." He turned his gaze on the cringing figure of Nick Cardini. "Just a cheap crook. Couldn't have outwitted a moron."

Tupps looked at him, eye twinkling. "Yes," he remarked, "but you've got to admit he tried."