

BY D. L. CHAMPION

*Maxon learns that sometimes  
an alibi can be too perfect!*



He moved closer to the old man, when a voice came from the doorway

The MAN

Who WASN'T THERE

**M**AXON was nervous. His breakfast had consisted of three cups of black coffee and innumerable cigarettes. There was an unpleasant, empty sensation at the pit of his stomach which, he knew, could be allayed only by whisky. He stood up, strode into the kitchenette and poured himself a stiff drink.

He returned to the living room and opened an ebony cigarette box. It was empty. He was completely out of smokes, just as he was out of money and excuses. And he was certainly going to need a high-class specimen of the latter commodity. At any moment now he expected a phone call from Kroger.

But it wasn't the phone that rang. It was the doorbell.

For an uncertain moment, Maxon made no

move to answer it. It couldn't be Kroger. Kroger was a big-shot, a busy man. He'd never paid a personal call on Maxon.

The bell rang again. Maxon crossed the room to the foyer and opened the door. A little man stood on the threshold—a little man with a battered hat pushed far back on a bald head. He wore thick-lensed glasses behind which glittered a strange pair of cold-blue eyes.

He looked up at Maxon, said in a flat, expressionless tone, "Mr. Maxon?" Then before Maxon could admit his identity the little man pushed past him into the living room.

Maxon slammed the door, crossed the foyer and said angrily, "Who are you? What the devil do you want?"

"You may call me Louis," said the little man.

He paused for a long moment, and added, "I'm Kroger's partner."

The vacuum at the pit of Maxon's stomach became more pronounced. He said, "I didn't know Kroger had a partner."

"I'm a silent partner. Sort of vice president in charge of collectable accounts."

"What do you want from me?"

Louis stuck a hand in his pocket and produced a slip of paper. He glanced at it and said, "Forty-eight thousand, two hundred and thirty dollars."

"All right," said Maxon. "But I must have a little time."

"Kroger sort of wants it now," said the little man mildly.

AS HE looked at Louis, some of Maxon's apprehension left him. His visitor was middle-aged, faded and physically unprepossessing. Maxon was a big man with wide shoulders, and his arms and legs were thick with muscle. On occasion he was somewhat sadistic, and a man of violent temper.

"Look," said Maxon, "I'll see Kroger at his office later. You get out."

"When you pay me what you've lost on the horses this month, I'll get out," was the answer.

"Get out," said Maxon, his voice rising, "or I'll throw you out!"

Louis' blue eyes were suddenly cold as a wintry sea. His voice was an icy monotone.

"I'm very quick with my hands," he said. "The bulge on the left side of my coat is a shoulder holster. If you move one step toward me you'll be dead before you've crossed the room."

Maxon didn't move. There was a freezing quality in Louis' manner. Obviously, he was no amateur. Obviously, too, he had dealt with situations like this before. Maxon's fear returned and this time it was stronger than before.

"Look," he said, "what good would it do to kill me? You'd never get the money then."

Louis shrugged. "Maybe we'll never get it anyway."

"If I'm dead you'll have no chance at all of getting it."

"Listen," said the little man, "suppose somebody sticks up a gas station, kills the manager and steals a hundred bucks. By the time the cops get him, he's spent the dough. Well, they electrocute him anyway, don't they? Even if the

gas station never gets its dough back. He's a horrible example, see?"

Maxon blinked. "What's that got to do with me?"

"It's the same thing. If we kill you we don't get paid. But you're an example. Your death will encourage a lot of other deadbeats to pay off."

Maxon found it utterly incredible that anyone could talk of killing him so matter-of-factly. He found it far more terrifying than the threatening bluster of a young mobster.

"For heaven's sake," he said, "I don't have fifty grand in my back pocket! Give me a couple of weeks. I've got to have time."

"We've given you time," said Louis. "Plenty of time." He screwed up his brow in thought. "But I'll be generous. I'll give you three days. Three days exactly. Then I'll come back."

He walked to the door, where he turned and bowed politely. He said, "Good-day, Mr. Maxon," and left the apartment.

Maxon opened the cigarette box again and cursed its emptiness. He salvaged a half-smoked butt from an ashtray on the table and lit it with unsteady fingers. He paced the floor like an animal and railed savagely against the ironic circumstance which enmeshed him.

At this moment he couldn't raise more than four or five thousand dollars if his life depended on it. And he was absolutely certain that his life *did* depend on it.

And yet he was a potential millionaire. Fifty miles away, in a dreary, ancient mansion, old Jabez Williams lay on his bed, almost completely paralyzed since that last stroke. On the day he died Maxon would inherit every cent of William's money. But the old man had hung on for a long time. He was quite likely to last another year or more.

And Maxon had only three days!

He had gambled too often to depend on million-to-one shots. It was futile to hope that old Williams would conveniently die within the next seventy-two hours.

Maxon thought of murder. Naturally, he had thought of it before. He had no qualms about snuffing out the old man's life, no moral scruples at all. But he had a great many scruples about getting caught.

He would be the suspect, the only possible suspect. He stood to inherit. No one else in all the

world had a motive for killing Jabez Williams.

Maxon crushed out the cigarette and threw himself into a chair. Suppose, he thought tentatively, he established an absolutely unbreakable alibi first? He discarded the idea almost before it was formulated. All phony alibis broke down sooner or later. Everyone of them had a flaw.

He stared at the far wall and thought for a long time. Slowly an idea oozed into his mind. He examined it thoroughly and from all angles. He stood up suddenly with a purposeful air. He crossed the room, picked up the phone and dialed a number. He was, at that moment, a confident man who had solved all his problems.

For Maxon had evolved a foolproof, cast-iron alibi which no one could ever break down. As a matter of fact, no one ever did and Maxon lived long enough to regret it.

**I**T WAS night and the hospital was quiet—so quiet that it got on Maxon's nerves. He lay on his back in the narrow bed and stared through the bandages at the ceiling of his private room.

The bandages were a nuisance, too. His face was wet with perspiration beneath them. He was an active man, a man who put a plan into operation as soon as he'd figured it out. But he'd been forced to lie here idly for hours on end.

From a great distance he heard a clock toll four times. He glanced at his own watch to check the time. Sneldon should arrive any minute now. Then Maxon at last could be on his way.

Less than five minutes later the door of the room opened cautiously. A man entered on tiptoe, closing the door silently behind him.

Save for his face, which was pasty and scarred, the visitor bore a remarkable resemblance to Maxon. His shoulders were broad. He was tall, and his hair and eyes were of the same color as those of the man in the bed.

"Okay," said Sneldon. "Let's get going."

Maxon sprang from the bed. He tore the bandages from his face. In a hoarse whisper, he asked, "No one saw you?"

Sneldon shook his head. "I came in the service entrance like the doc said. I waited until four, when the nurse went on her ward rounds. No one saw me."

"Good!" said Maxon.

He removed his pajamas. Sneldon hastily

undressed. In silence Maxon donned Sneldon's clothes and the latter put on Maxon's discarded pajamas.

"All right," said Maxon. "Sit on the side of the bed and I'll get these darned bandages on you."

He wound the bandage, not without some skill, about Sneldon's face. He said, "Okay, get into bed. Talk as little as possible. The doc'll get you in the morning."

Sneldon said in a muffled tone, "The dough?"

"Here." Maxon dug beneath the pillow and withdrew a wad of bills, thrust it at Sneldon. It comprised every cent he had been able to beg and borrow the day before. Then he went to the window, flung it open, looked down searchingly, and stepped out on the fire escape.

His car was two blocks away, where he'd parked it. A light rain began to fall as he stepped on the starter and headed the coupe north toward the city limits.

He was excited but confident. He'd waited for this moment for a long time. Ever since he'd known he was old Jabez Williams' heir.

As the car left the city the rain increased. The headlights bored through a pitch-dark night. Maxon kept his eyes on the road and drove steadily.

It had been just eight years ago that he had married Selma Williams, the old man's granddaughter. It had been six years since she had divorced him, flatly refusing to tolerate further his infidelities, his carousing, his gambling.

It was there that Maxon had been lucky. The old man had been on *his* side. Jabez Williams was a stern Victorian with an Oriental attitude toward women. He believed firmly that they were chattels of their husbands. He neither trusted them nor considered them quite human.

Hence, he had believed Maxon's vicious accusations against his wife and none of Selma's accurate charges against her husband. As a matter of fact, old Jabez also refused to take the word of his butler-companion, who'd worked for him for half a century. Rollins, the servant, knew the truth but his master would not listen to it.

That had been one of the occasions when Maxon's black and furious temper had taken hold of him. He had thrashed Rollins unmercifully. To this day the old man bore a scar and a limp which were the results of Maxon's beating.

As he neared the old mansion Maxon reflected it might be better if Rollins didn't see him in the

house. On second thought, he decided it didn't really matter. His alibi was so solid that the word of a senile servant with failing eyesight could never impair it.

The coupe turned into the graveled driveway. The rain came down now in a solid sheet and the trees bent before the wind. Maxon parked the car in front of the house, ran onto the porch and took a bunch of keys from his pocket.

A minute later he stood in a vast bedroom dimly illumined by a night light.

**A** GAINST the far wall was a huge, canopied bed. In its center, dwarfed by its size, lay the shriveled figure of a man. He lay quite still and his sere, yellow face was like a nicotine stain against the whiteness of the pillow. His eyes stared at Maxon like a pair of dull marbles.

Maxon stood at the foot of the bed. He flexed his big hands, smiled without mirth. He knew the old man was almost completely paralyzed. He could speak only in a whisper. But he was not deaf, he could still hear.

"Jabez," said Maxon, "you've been a long time dying. I've come to expedite matters. But before I strangle you, I'd like you to know that I hate you. I've always had to make you believe I was a model young man. Now I can tell you I'm a gambler, a heavy drinker and by no means allergic to women. But I could never ask you for any cash, because then you'd think I wasn't the solid citizen that you were sure I was. Well, maybe if you'd given me some dough before you wouldn't have to die now."

He moved around to the side of the bed. "Selma was telling you the truth about me. I was lying. So you've made a will in my favor. Well, I've come to collect, Jabez. I'm going to kill you!"

He moved a foot closer to the old man, when a voice came suddenly from the doorway.

"You don't have to kill him, Mr. Maxon. He's already dead."

Maxon spun around. Standing on the threshold was Rollins. He was a gnarled, bent old man with remarkably clear eyes. On the side of his jaw was the tiny white scar which Maxon's knuckles had put there six years ago.

"When did he die?" Maxon said hoarsely.

"About twenty minutes ago. I've called the doctor in Pleasantville. He's out on another case. He can't get here to sign the death certificate for a couple of hours."

Maxon blinked. Then he crossed the room suddenly and ran down the stairs. Rollins stared after him for a moment, then followed.

Maxon strode across the worn carpet in the dusty library, halted before the dark steel of a wall safe. He manipulated the tumblers. He wrenched the door open and withdrew a foolscap document.

Rollins watched him from the doorway. He said, "Mr. Williams made a slight change in the will last week."

Maxon gasped. "What change?" And his fingers trembled as he unfolded the paper.

"Nothing important," said Rollins. "He wrote in a codicil leaving me five thousand dollars. He had a premonition of death and wanted me to have something."

Mason relaxed in relief. Five grand meant nothing to him now. He scanned the paper. With the exception of the codicil it was the same as before. But Maxon wasn't. He was now a millionaire.

He noted a decanter on the sideboard which held some two inches of whisky. "Rollins," he said, "for heaven's sake, give me a drink."

Rollins filled a two-ounce glass and handed it to Maxon. Then he stood there for a moment and watched the other oddly.

"By rights, all that money belongs to Miss Selma," he said quietly.

Maxon looked up. "What are you squawking about? You're down for five G's, aren't you? And the rest is mine, all legally. Give me the rest of that liquor."

Rollins refilled the glass. He said thoughtfully, "Suppose I told the authorities you came here to kill Mr. Williams? That might invalidate the will."

Maxon grinned and drank. He said, "Look, keep your mouth shut and collect. The authorities won't believe you."

"Why not?"

Maxon's grin was broader. "Because I wasn't here tonight, see? You don't think I'd be sucker enough to try to kill the old man unless I had an alibi more foolproof than any in history."

Rollins shook his head. "No false alibi can be foolproof."

"No?" said Mason and laughed. "Get a load of this: I know two lads back in town. One's on the lam. The other is a doctor with a solid reputation, but he's greedier than a hungry shoat."

ROLLINS stared at him with expressionless eyes. The whisky had warmed Maxon, lifted his ego. He felt confident and quite pleased with himself.

"I'm a very smart guy," he said, and chuckled. "Get this: This doc I told you about—well, I'm cutting him in for a fat fee when I collect what's coming to me. So we faked an accident in which I was supposed to have burned my face badly. He wrapped me up in bandages and took me to the hospital. I signed the registration book with my own hand. Do you get it?"

Rollins' eyes never left Maxon's face. He shook his head slowly.

"You're dumb," said Maxon. "So I'm in the hospital with my face completely covered with bandages. That's where this lad Sneldon—the one who's on the lam—comes in. Comes in literally, too.

"In the middle of the night when the floor nurse is in the ward, Sneldon sneaks into my bedroom. He's the same build and coloring as I am. We change clothes. I get into his suit, he gets into my pajamas and bandages. Tomorrow the doc will take him out of the hospital, still with the bandages on his face. The doc will take him to my apartment. There he'll change clothes again and scam. I'll go home and stay there."

Maxon beamed like an actor taking a bow. "See, it's perfect! Everyone in the hospital will swear I didn't leave until six or seven hours from now. It's an unbeatable alibi. But since the old man was dead when I got here, it's a heck of a waste of brilliant thought."

Maxon glanced at the empty decanter. "Get me some more whisky. I'll take a couple for the road and get out of here before the old man's doctor arrives."

Rollins nodded. He walked slowly from the room, his ancient brow furrowed with deep thought. He returned a few moments later with a half-filled glass in one hand and a fresh bottle of liquor in the other.

Maxon took the drink and sipped it. His free hand held the Williams' will caressingly, as if it were a million dollars—which, not to put too fine a point on it, it was.

He emptied the glass and held it out to Rollins, who refilled it. Maxon drained it.

"Well," he said, "I'm going now. I hope you have as much fun with your inheritance, Rollins, as

I'm going to have with mine."

He started to rise. There was an odd lassitude in his knees. He fell back in his chair, blinked wonderingly, and suddenly there was a heaviness upon him. An overwhelming drowsiness came over him.

He opened his mouth to speak but no words came. He stared at Rollins as if through a fog. There was no strength in him and somehow he could not keep his eyes open.

He saw Rollins smile without mirth. He saw the old man reach forth and gently take the will from his hand. Maxon tried to retrieve it but his hand suddenly weighed a ton. He could not lift it.

In the last instant before his heavy eyelids dropped he saw Rollins' big, capable hands deliberately tear the Williams' will into tiny pieces. Maxon fought desperately to cry out but his vocal cords seemed paralyzed. Now his eyelids closed tight. His breath came rasping and he lost consciousness.

WHEN he opened his eyes, Maxon's throat was dry and there was a sickish sensation at the pit of his stomach.

He realized, after a moment, that he lay on his own bed in his own apartment. His coat had been removed and his shirt sleeves were rolled up.

He blinked for a moment, then saw Rollins on the far side of the room regarding him with a faint mocking smile.

"I had a tough time getting you in and out of the car," Rollins said. "It's lucky your apartment is on the ground floor."

Maxon shook his head as if to clear his brain. "You brought me here from Williams' house?"

Rollins nodded. "When you asked for more whisky, I went to the bedroom and got some of the sleeping tablets Mr. Williams had been using. I put six of them in your drink."

Maxon's head was spinning. He tried desperately to understand.

"I kept you out of the way," went on Rollins, "until the doctor had come and gone. Then I gave you a shot of morphine. That kept you unconscious while I put you in the car and brought you home."

"But why?" said Maxon. "Why did you do these things?"

"In order," said Rollins, "that you never get a penny of the Williams' estate."

Then Maxon remembered the important thing.

He raised himself in the bed. He said, "You tore up that will! I recall it now. You'll never get away with it. You'll go to jail!"

Rollins smile was enigmatic. "Mr. Williams tore up the will," he said. "Just before he died. I saw him. That's my story, anyway."

"You can't get away with it!"

"My story," said Rollins, "adds that just before he died, Mr. Williams realized what a rat you were. He had neither the time nor strength to make another will, so he tore up the one he had. So he dies intestate. The estate will go to the next of kin, the *only* kin—Miss Selma."

"You can't make that story stick!" shouted Maxon. "I saw you tear that will!"

Rollins shook his head. "In the first place, I had no motive. By tearing up the will I'd lose that five-thousand-dollar bequest. So no one will believe I did it. Moreover, you didn't see me, Maxon. You couldn't have."

"Why not?"

"Because," said Rollins slowly, "you weren't there."

"Are you crazy? I was sitting right opposite you!"

"No," said Rollins, "you were in the hospital. Remember? You can prove it by your doctor and all the hospital authorities. They even have your signature in the registry."

"There's a million dollars at stake!" cried Maxon. "I'll have the doctor tell the truth. I'll—"

"If he tells the truth," Rollins said, "he'll go to jail for conspiracy. He'll be thrown out of his profession. He'll be ruined. No, you've got an alibi, Maxon. I admit it's perfect. Too perfect, if anything."

He ran his finger slowly over the little white scar on his face which had been put there by Maxon's fist. Then he turned and slammed the door behind him.

Maxon lay on the bed, the pallor of abject fear spread over him. He was broke, completely broke. In a little while Louis would come to collect, and if he couldn't collect in cash, he'd collect in blood.

It was impossible to run away. He didn't have enough carfare for a taxi ride. There was nothing to do but wait—wait for the middle-aged killer with the bland manner. Wait and reflect upon his alibi—an alibi so perfect that even Maxon himself couldn't break it down!