



Fleming found Dr. Cotes beneath a low bush, strangled to death

The Killer and His Dead

By NORMAN A. DANIELS

Two corpses lay side by side—and Detective Fleming had to find out which was the murderer and which the victim!

DETEKTIVE-LIEUTENANT Jim Fleming walked through the open front door and down the hall to a room from which voices issued. Angry voices. Fleming went in and came to an abrupt stop.

There were five people in the room. Three were alive; two were dead. One of the live ones was a short, grizzled, crusty old cuss named Dr. Cotes, of the Medical Examiner's staff. At the moment Dr. Cotes

was kneeling between the two bodies.

The dead men had been at least sixty. Both had been shot through the head. Dr. Cotes arose slowly, a sly grin beginning at the corners of his mouth.

"Well, well," he said. "The great Lieutenant Fleming of Homicide. Smartest murder man on the force. I admit it because you made a fool of me six months ago on the Logan case."

"Aren't you ever going to forget that,

Doc?" Fleming said. "You said it was suicide, I claimed it was murder, and the killer is waiting to go to the chair. We all make mistakes. You made one on that case."

Cotes flushed, and his grin died away. "But people don't forget, Fleming. They still laugh behind my back. I will forget it though. This one is all yours now. Two dead men. Alan Barrett, worth a million dollars, and Matt Talbin, not worth a million pennies."

"What else?" Fleming asked. Cotes was gloating for some reason.

The Assistant Medical Examiner stepped back.

"Look it over, Lieutenant. Both men are dead of contact head wounds. No question about that. The gun was practically pressed against the scalp. Both wounds are such that either could be self-inflicted. The dead men lie ten yards apart. The murder gun lies midway between them."

"So?" Fleming asked.

"So it's a cinch. All you have to do is figure out which man is the murderer. Whoever it is, he killed himself, but I'm betting you can't tell which is which. Murderer or victim. Killer or his dead."

Fleming whistled softly and made a quick examination. Dr. Cotes was not exaggerating. One of these men had murdered the other and then killed himself. Fleming walked out into the hallway and called in a detective named Marsh, who was busy packing scientific equipment in a black valise.

"How about it?" Fleming asked. "Any prints on the gun?"

Marsh shook his head. "You know guns don't take good prints, Lieutenant. I found portions of fingermarks. I'd say they came from the hands of both dead men."

"How about the dermal nitrate test?" Fleming asked.

"I tried that," Marsh said. "Got a positive reaction for gun powder."

"Then whose hand was the powder on?"

"Both of them. I'm getting out of here, Lieutenant, before I go batty. I've tried to figure out which is which—murderer-suicide or victim. I can't do it, but I'll tell you this much. I think Doc Cotes knows."

"If he does, he'll hang onto it until I admit I'm stumped," Fleming said. "Then he'll pull his big stunt and get back at me. He hates my insides because I made a sap out of him a few months ago. Okay, Marsh, you may leave any time you wish."

FLEMING went back into the room. He studied the set-up carefully, and knew there was nothing now evident which would indicate which man had died first and, therefore, had been the victim. The only hope seemed to lie in the motive.

Fleming turned to the other two men present. Doc Cotes was chortling in glee. He sat behind the big blond-wood desk, making out his reports.

"This is Phil Barrett, the son of Alan Barrett, the man who lies closest to this desk," Cotes said. "This other is Ralph Talbin, grandson of the other dead man. They can tell you an interesting story, Lieutenant."

Phil Barrett was forty-odd, somewhat stuffy-looking. He had gray and brown hair, a round face, and wore expensive clothing tastefully. Ralph Talbin was much younger. He would have looked like a high school junior had it not been for the harsh, wise lines around the corners of his eyes.

Phil Barrett cleared his throat. "Lieutenant," he said, "my father did not murder Talbin. I'm certain of it. But young Talbin here is just as sure his grandfather is not a murderer. It all goes far back. My father and Mr. Talbin used to be partners

in a manufacturing business. Dad bought out Talbin, finally, and through the promotion of a new product made the business successful.”

“Don’t leave things out, Barrett,” young Talbin broke in. “Don’t forget that this new product was something my grandfather invented, and that your father took over and made a million on.”

“I’m not forgetting that,” Barrett said. “Nor the fact that my father supported your grandfather. It’s still a moot question who thought up that valuable product. Dad claimed he did, and that he paid your grandfather to keep him quiet. He was forever loudly proclaiming that Dad was a thief.”

“He paid because he owed it to my grandfather!” young Talbin shouted.

“Okay, okay,” Fleming said. “It was a long-standing feud. Each man thought the other was a heel. One of them was. This is Barrett’s house. Why did Talbin come here?”

“I drove him here, Lieutenant,” young Talbin said. “He wasn’t well, had an idea he had only a short time to live. He wanted Barrett to give him a lump sum payment so I’d be taken care of. I waited outside in the car which I parked outside the gate. Soon after we got here, Mr. Phil Barrett here came down to talk to me. He said we were fools not to be friends, and that we should persuade our relatives to stop all this fighting.”

“I see,” Fleming nodded. “Where were you two when the shots were fired?”

“In the car down by the gate, as Talbin said,” Barrett answered quickly. “We’re each other’s alibi. We heard the first shot, and didn’t quite know what it was. The gate is some distance away, you know. Then there was a second shot half a minute later and we started running to the house. We reached the door, but it was locked and it took us maybe five or six

minutes to break it down. While we were doing this, the third shot rang out.”

“You heard no sounds or voices you could identify?”

“No—not even a moan. They were both dead when we entered.”

“Then what happened?”

Barrett fidgeted nervously. “Well, Talbin said we shouldn’t touch the phone on the desk, and he told me to use another in calling the police. That’s what I did. Talbin stayed here.”

Dr. Cotes was idly rotating a small squat brown bottle that looked as if it were a medicine bottle between his fingers and grinning like an ape.

“My father’s,” Barrett said. “He kept it in that desk.”

“Lieutenant,” Cotes said, “how are you doing? Which is which? Killer and victim? Why don’t you name the man?”

Fleming sighed. “I will, Doc. Right now I want this room cleared. There’s something here to tell me the truth. There has to be.”

They filed out, Dr. Cotes first. Fleming closed the battered door as much as it would close and went to work. He spent half an hour going over that room and found nothing to help. He finally called in the boys from the morgue.

THAT took another ten minutes. Fleming went hunting Talbin and Barrett. He found them in the living room, drinking highballs and smoking.

“We’ve decided to call off the feud,” Talbin explained. “How have you been doing? Know who the murderer is yet?”

“I haven’t the faintest idea,” Fleming said. “I’m hoping you two will give me a lead. Here is what I know, right on the line. Both men died of contact head wounds. Either could have been self-inflicted or the work of a murderer. Both had handled the gun from which only two

bullets had apparently been discharged. Both had fired some gun, for a paraffin test proved that. The gun lay between them. The suicide could have stood there, fired a bullet into his temple and dropped the weapon. It's logical to assume the dying man staggered backward from the force of the bullet and fell—several feet from his victim. The evidence doesn't show which man died last. I have to depend on your statements to get the truth."

"I can't help you," Talbin said.

"It's as much a mystery to me as it is to you, Lieutenant," Barrett added.

"I've a feeling Dr. Cotes knows more than he admits," Fleming said. "Did either of you notice him do anything suspicious?"

"I didn't," Barrett said. "But why don't you ask the doctor? His car is still out back. He must be around."

Fleming hurried through the house, down the rear steps and found the relic Dr. Cotes called a car. By now Cotes should have been at the morgue to begin the autopsy. Fleming started hunting the man. He found him, many minutes later. Dr. Cotes had been shoved beneath a low bush. There were black and blue marks around his throat. He had been strangled to death.

Fleming searched him quickly and found one pocket turned inside out. Doc had already been searched. Then there had been a clue and the murderer had seen Doc take it away. Otherwise Doc wouldn't have been strangled to death and then searched.

Fleming returned to the house. Talbin and Barrett were still in the living room, working on fresh highballs. Fleming asked them to account for their movements after they left the murder room.

"I just wandered around," Talbin said.

"I went upstairs to my rooms," Barrett said. "Why? What's happened?"

"Doc Cotes has been murdered," Fleming said. "Whoever did it took evidence from him and maybe I've got the lead I want. Talbin, if your grandfather was proved the victim, you could sue the Barrett estate and collect."

"I intend to," Talbin admitted.

"And you—" Fleming faced Barrett—"would have the estate intact if your father was the victim. Which gives either one of you a motive for concealing evidence which points at the killer. Stay here till I come back."

Fleming went to the murder room and sat down behind the desk. He slowly reconstructed every event, small or large, which had transpired between the time he had arrived and Dr. Cotes had departed. There seemed to be nothing in the form of a clue. Cotes must have already had the evidence in his pocket. But Cotes hadn't been too cocky about the whole thing until just before he left. Perhaps he found something while he was seated at this desk.

Fleming went over the desk. It was hopeless. He reached for the thermos of water. There was only one glass, half filled. The water in it was quite cool and certainly far from being stale. He tried to associate this glass with Dr. Cotes' movements. That didn't work.

Fleming placed himself in the position of the two dead men. One must have taken a drink of water. True, both were probably excited to a point where they needed a drink, but in the heat of an argument, would either have been apt to notice this? Why then, had the water been poured and part of it imbibed?

To take medicine. The thought hit Fleming, and was followed by the memory of Doc Cotes rotating a small squat brown

bottle between his fingers. The bottle was missing.

Fleming yelled for Barrett, and the middle-aged man hurried into the room.

“Was your father sick?” Fleming asked. “Did he take medicine?”

“Why—yes,” Barrett said. “There were capsules. They had to be taken right on time. Every three hours. He took one at dinner time.”

“Then he would have been due to take another at ten o’clock. The murder happened about that time. Go back and keep Talbin company, Mr. Barrett. . . Oh yes, where did your father have the prescription filled?”

Barrett thought a moment. “The Hillside Pharmacy. What are you getting at, Lieutenant?”

“A killer! That’s all.”

FLEMING picked up the phone and called the morgue. He contacted a doctor who would perform the autopsy, and asked that Barrett’s body be examined first. Fleming gave some specific instructions, then hung up. He leaned back, lit a cigarette and stared at the ceiling. He had the solution. The clue which Dr. Cotes had hidden, but Fleming mentally gave Cotes all the credit. The physician had recognized something because of his scientific background.

An hour later Fleming answered the phone and made a few notes. Then he drew his service pistol, kept it handy, and called in Barrett and Talbin.

“I’ve got the answer,” he said. “I know who killed whom. Dr. Cotes didn’t know at the time, but he was on his way to finding out and somehow one of you guessed it. I suspect because you saw Cotes secretly steal a bottle of capsules from this desk.”

Barrett looked nervous. “I didn’t kill the doctor. I was upstairs. I swear it!”

Talbin stood there, silent and grim.

“It’s you, Talbin,” Fleming said quietly. “I know your grandfather is the murderer. He came here to browbeat Barrett, found it couldn’t be done, so attacked him. Barrett fired a shot. It missed your grandfather and went through the open window. Then your grandfather got the gun away from him and sent a bullet through Barrett’s head. Once the deed was done, he realized it was murder. So he killed himself.

“Circumstances made it impossible to tell who was the murderer, but circumstances crossed themselves up. There were three shots, one unaccounted for. You told me this yourself. But there were four slugs in that six shooter. Somebody slipped a fresh bullet into the gun to take the place of the one fired out of the window. The only time that could have been done was when one man was alone in this room. You sent Barrett out to give you the opportunity.”

“Where are your witnesses?” Talbin shouted. “This is purely guessing.”

“These are facts,” Fleming said. “Barrett took a capsule at ten o’clock, while your grandfather was here. He was killed a minute or two later. A man with murder and suicide on his mind doesn’t bother about taking medicine. But even that would be weak. The clincher lies in the fact that medicine taken orally requires a certain time to go through the system. If Barrett had been the last man alive—eight or ten minutes after he’d killed Talbin, the drug would have been at least partly absorbed by the system. The autopsy showed this did not happen. Barrett died while the drug was still in his stomach, so he was the first man to die, and the first man was the murder victim.”

“What’s it going to get you, Lieutenant?” Talbin said. “Do you think you can punish my grandfather? Strap his

corpse in the electric chair?"

Fleming shook his head. "The heir of the murderer knew the truth about who killed whom. He also realized that Doc Cotes was aware of it. So he killed the Doc. I'm talking about you, Talbin."

Talbin turned on his heel, shoved Barrett aside and leaped toward the door. The bullet from Lieutenant Fleming's gun was much faster. Talbin came to a stop, raised his hands high and winced at the

sight of the bullet-hole in the door frame close by his head. Fleming came around the desk, with handcuffs. He put them on Talbin.

"Doc Cotes wouldn't have liked me to solve his murder so fast," he said. "If he'd have had his way, it would have been a case to baffle every detective on the force. Doc was funny that way, but I liked him. And Talbin, I don't like the man who killed him. Let's go!"