

Hot-Seat Fall Guy

By E. Z. Elberg



When Peanut Smith went to the hot-seat, he made Mike Powers the executor of his will. And that will would make Mike his own executioner, for the death-house legacy was—the Chair.

I HAVE to hand it to that little guy for the way he went out. With a lopsided smile under his useless peanut nose, he said, "Boys, now you're going to see a roasted peanut."

The executioner threw the switch; Joseph "Peanut" Smith quivered and was no more. I stood up with the rest of the reporters and we filed out. I was used to executions, but this one sure got me.

I'd sort of liked the little guy. He always had a ready grin; when you looked at the loose crinkles around his shrewd mouth you knew it was just a caprice of fate that put him on the easy but short

road. Walk into any big office, any City Room, and even any Hollywood studio, and you'll find guys who stepped out of the same package he did. Guys who fought their way up, guys whose eyes had to turn glossy and careful to mask the active brain behind them. But that's how it goes—some this way, some that.

Peanut Smith had killed another gangster. Most of the papers said it was one rat killing another rat and I guess they were partly right. But I felt there was more to it than that.

When we interviewed him, I kept noticing how steady his hands were, how a

strange, twisted courage mocked us from his grey eyes. So I tried to give him a break. Now and then I slipped some things into my copy that might help the little guy. But I guess I didn't help much after all. He was as dead as they come now, with or without my kind intentions.

In the prison press room I phoned and got my rewrite. I reeled off facts and before hanging up added, "You might use this, Nat. 'Nothing became him so much in life as the leaving of it.' "

Nat snickered and said something about getting literary. I swore, not too vehemently, because Nat was usually good for a ten spot in hungry times. He laughed again and I hung up.

Before I climbed into my roadster to go back to town, a guard came over to me. "Mike Powers?" he asked.

I nodded. He handed me an open, white envelope. "Smith left this for you."

"Thanks," I said and slid under the wheel, fingering the flap quizzically. With my left hand I guided the Buick and by the dashboard light read the angular handwriting on the sheet inside:

Powers, you tried to soften my jolt. Go to the cafe on Murray and West Broadway. Keep whistling *I Came Here to Talk for Joe*—even though Joe won't be around when you read this. Luck.

I put the note in my pocket and grinned into the rear view mirror a little sadly. The cold and defiant humor that had fashioned these lines was snuffed out, wiped away by a manmade bolt of electricity.

THE cafe was a smudge of greyness between hulking black buildings around it. I locked the roadster and legged it over to the canopied entrance. Weary juke box music drifted out and shrilled around me when I entered the place. I

found it a glorified saloon with a bar taking up half the space and a line of empty booths on the opposite side. At the bar I wedged myself between a once passable blonde and a sailor.

The bartender's pouched eyes flickered at me inquiringly. I tossed a dollar bill down. "Scotch." He poured and I began to whistle *I Came Here to Talk for Joe*. The man knuckled my glass over. He smoothed out the wet spots on the dollar, rang it into the register behind him. Then he jangled change back to me. I began to whistle louder and searched his face.

"What's bothering you, brother?" he grouched, meeting my probing eyes.

"Nothing, nothing." I swallowed the Scotch in a gulp and pushed the glass forward. He filled it up and picked coins out of my change. This time I began to hum. He shook his head, curled his lips down, and shuffled off.

I gathered my change and moved away. The juke box began clamoring again. I stopped my humming, shoved myself into an empty booth.

A waiter in a splotchy, loose apron ankled across the thick sawdust floor toward me. "Beer," I ordered. He slopped a rag almost under my elbow.

"You've never been here before," he told me.

"That's right." I lit a cigarette and took in his soggy cheeks and nose. "Never."

I started to hum. He kept the rag going until the marble top was somewhat clean. Finally he looked up. "Okay, buddy, the back room there." His chin indicated.

I wanted to ask him something, but couldn't think of anything sensible. So I just got up and went to the rear door. I knocked and the door opened almost immediately to expose a fat man with a brownish, I-trim-it-when-I-please mustache. His fleshy cheeks rotated and his mouth munched. He eyed me

inquisitively and interrupted the act of putting a gum drop to his lips.

“Yeah,” I said foolishly, “Peanut Smith sent me.”

“Um-m.” He lumbered to a chair behind a battered desk and I followed, taking an overstuffed leather chair uninvited. I handed him the dead gangster’s note. He um-m-ed over it and then dialed on his phone. He shoved a bag toward me and I selected a gum drop from it. When a voice squeaked at the other end, he pressed the receiver to his thick ear.

“This is Prescott,” he said and the words were slurred and tinny. “Smith’s man is here. He’s got a letter, just rode down from the prison I think.” He looked at me over the mouthpiece and I nodded.

“I’m a reporter,” I added. “Mike Powers.”

Prescott passed on this incidental information to the telephone, and then listened for a short while, hung up lethargically. He leaned his bulk back in the chair. His eyes closed and his jaws munched rhythmically.

“Wait,” he said. I shrugged and began to wait.

THE man that came in about half an hour later was well-dressed and clean-shaven. The skin of his face was drawn tightly over the bones and sallow as Prescott’s gum drops. Quick, black eyes brooded deep in faintly pockmarked cheekbones. I’d seen him around a couple of times before this, although he didn’t know me.

His name was Pete Shaw and his excuse for living lay in that, right now, he was adding zest to the lives of a pitiful few; to wit, supplying them with marijuana or opium. But that was none of my business. I vaguely recalled he’d once been a strong-arm man for Peanut Smith.

He nodded briefly to Prescott and sat

down on the corner of the desk, facing me. The dark blue cloth of his topcoat wrinkled softly over a leg he swung back and forth.

“How’d Peanut go out?” he asked, propping one hand on his knees and exposing hairy wrist with some white grains on it under the cuff of the expensive maize yellow shirt.

“Game,” I said.

Shaw smiled grimly. “I knew it. Great guy.” A faraway look faded from his face. “Look, Powers, Peanut wrote us that he’d send someone for the little thing he wanted done. You see, he married a girl about four years ago. She was a nice kid but not his kind and, you know how these things go, it didn’t come off. She left him.”

Shaw inclined his head and stared steadily at me with feeling. “Funny guy, Peanut was. He really loved that woman. He’s left forty-two grand and he wanted you to deliver forty of it to her.” Shaw handed me a thick envelope.

“There’s twenty grand in there. Prescott has the other twenty. Peanut split up the dough between his two best friends, because forty grand to one guy would be too much of a temptation. This way Prescott and I couldn’t get together for a cross because we like each other too much, eh, Prescott?”

Prescott’s thick lips drew back wolfishly and his small eyes receded into layers of fat to glint ominously. He tossed an envelope toward me. “I like you, Shaw,” he said tonelessly. “I like you fine.”

Shaw’s head jerked back and he laughed forcedly. “Like hell you do.” His eyes flickered to me. “You’d better count the dough.”

I picked an ivory-handled letter opener off the desk, slit the flaps, and counted the money inside both envelopes. When I finished, I asked, “Why don’t you deliver

this yourself?"

Shaw grimaced. "Look at us. I told you what kind Peanut's wife is. You think she'd believe it was honest dough if we brought it to her? Peanut knew that. You got brains, education. You can convince people. You're a newspaperman, ain't you? You got to make her believe it's clean cash."

"Is it?"

Shaw nodded slowly. "Take my word for it, pal."

I hesitated and kept turning the money over in my hands.

"I'll give you a grand now," Shaw said softly, "and a grand after you've made her take it."

I looked up at him. "That's a lot of dough."

"Don't I know? Peanut knew it too. He told us to give out that much." Shaw tucked a thousand dollar bill into the handkerchief pocket of my suit jacket. "Deliver it tonight and get it over with."

My forehead furrowed and I picked out the pattern of the carpet on the floor. After all, two grand would just about cram the wife's war bond drawer full. What was wrong with delivering a guy's dough to the one he wanted to receive it?

Abruptly I stood up and shoved the heavy packet of money into my pocket. Shaw wrote out an address for me. I glanced at it and started for the door, but stopped with a hand on the knob. I turned round.

"Why all the melodrama about whistling when I came in?"

Shaw grinned and the corners of his mouth slipped tightly to opposite sides of his face.

"Reason one, Peanut's sense of humor. Reason two, it isn't smart to toss Peanut's name around in a public bar. It's no secret he didn't die broke. Also it's likely the warden up at the prison read this note, and

Prescott wasn't anxious to have his name mentioned in it. You might call the warden and Prescott old acquaintances."

Prescott ignored the barb and stood up, his bulk looming over the desk. His tiny eyes fixed themselves on me. "No funny business," he said. "It ain't safe."

I began to waver, but thought better of it and strode out.

MY BUICK coughed emptily again. I turned off the ignition with disgust, got out from behind the wheel. I could have sworn the tank was not dry when I parked outside of the cafe. At this hour there were no gas stations open and I headed up the black side street.

My heels clacked on the pavements and the sound echoed with sharp remoteness in the crouching, unlit heaps of brick towering on each side. After going four blocks, I found the subway entrance and took an uptown train.

A wispy man huddled in a coat sizes too big for him, gazed with soulless eyes at the car cards and, as I entered, turned toward me, mouth opened like a sleepy dog's. I noted it was two-thirty on my wrist watch and felt a curious kinship with him. Picking a seat in a corner, I stared out of the window until the train pulled into my station.

The address I wanted was not far from the subway. I held a match to the letterboxes and found the name, *Mrs. Helen Smith*. A self-service elevator got me up to the fifth floor and I jabbed the buzzer on 5A. I waited a few minutes and buzzed again. Shuffling came muted through the oak panels, then the door opened, showing the room beyond in darkness.

I stepped in slowly, trying to make a face out of the white blob. "Does Mrs. Helen—" A streak of silver dropped before my eyes and shattered into bursts of

painful, whirling lights. I staggered forward and fell across something. Glass smashed and my hands became wet. I tried to stand up, but something very cold slammed against my jaw again. I went hurtling into a vortex of ebony mist.

I came to very slowly. My jaw was heavy and aching. The nerves of my teeth flashed spurts of fire up to my eye sockets. I got up and lurched in the blackness until I hit a wall. Then I rested for a while, lit a match, and found the light switch.

I searched for the money I was carrying. It was gone but for the thousand dollar bill in the handkerchief pocket. I crumpled it in my hand and started to jam it into my wallet, but suddenly stopped because somebody was staring at me. It was a woman and her wide open eyes were expressionless.

She sat in an armchair near the writing desk I'd fallen over when I was slugged. I walked over carefully. The cork-handled knife in her stomach, almost hidden by bloodied negligee frills, was buried to its hilt.

I felt a chunk of ice sliding along my insides and stood there for some time. Then I closed her eyes and put the lights in the apartment out. I took the elevator down to the street and under a street lamp examined my hands. They had red blotches over them.

At first my eyebrows drew into a deep frown, but as I stood there, a hard twist curled my lips. A slow rage licked hotly in my brain. I went up again to the apartment and ten minutes later was back in the street, locking for an all-night drugstore. I found one a few blocks away and called the police. I told them where to go.

"Hold on, mister," the cop at the other end bellowed. "Who—" I hung up.

My mouth was drawn into a determined slit when I took the subway back to Murray Street. The cafe was dark.

I rattled the shuttered doors. No answer. I laughed to myself. What a nice bit of stink I'd found for myself. I might as well go home—and I did.

My wife was asleep and I didn't wake her. I fixed myself something to eat and afterwards sat down in the living room with a book and read until it grew light. Then I wrote a note about a hot follow-up story so Tess wouldn't worry, and left it under the table lamp.

OUTSIDE, a damp wind gushed over the house tops from a dreary sky promising rain. I got a cab at a hackstand and made good time going downtown. When I paid the cabbie outside the cafe, it was drizzling.

I noticed a man further down the block pouring gasoline into a sedan from a tin. Probably had the same trouble I did last night, I thought, going over to my Buick. I saw there was no ticket for overnight parking and then strode over the wet gutter to the cafe.

An old man was moving ash cans in front of a rickety tenement house. He watched me with interest. "Not open yet, mister," he caned, wiping gnarled hands on faded blue pants. "You can get a drink a couple of blocks down though."

I glanced at him fleetingly and pounded on the closed doors. As no answer came, the old man chuckled in wheezing gasps and returned to his ashcans. I began to kick with the back of my heel. Heavy footsteps sounded inside and a lock rattled. I pushed the door open, walked straight ahead to the bar. Prescott came stomping after me.

"Say, what the hell—" His porker eyes took in my face. "Oh, you. What's the matter?"

I didn't answer but went on into his office. I sat down before the desk. He came wallowing up in a hurry.

“Look here, punk, I’m used to getting answers.” He stood menacingly before me. “Did you deliver the dough?”

I pulled out a cigarette and lighted it, taking my time. “Call Shaw and get him down here.”

Prescott’s thick eyebrows lowered and a meaty hand reached for my necktie. I brushed it aside. “Don’t be a sap,” I said.

He grunted and let the hand fall to his side, twitching it undecidedly. Then he went behind the desk and dialed. He spoke briefly and hung up. He glared at me. “Let’s have one of your butts. I’m all out.”

I tossed the pack on the desk. He took one and, while smoking, opened a drawer and got out a bag of gum drops. He began pegging them into his mouth nervously.

On my fourth cigarette I heard someone banging the street doors. Prescott went to answer and came back with Shaw. He came directly over to me and threw the morning newspaper in my lap.

“What about this?” Shaw snarled.

“What page is the story on?” I asked.

“Four, damn you. Haven’t you read it?”

“No,” I said coldly and began to read. I finished and Prescott yanked the paper out of my hands. He pored over it.

“Mrs. Helen Smith was found stabbed to death last night after a mysterious telephone call had summoned the police—” he mumbled and stopped as his lips could not keep up with his eyes.

“Let’s have your end of it,” Shaw demanded menacingly of me.

I nodded unconcernedly and gave all the details of what happened. When I finished, Shaw made inarticulate noises in his throat and turned on his heel away from me. He paced up and down the room. Then he whirled on Prescott.

“Do you believe him?”

Prescott folded his paws. “No, let’s turn him over to the cops.”

“I don’t like to get dragged into this business.” Shaw frowned. “With my reputation, they’ll put me over the hurdles.”

Prescott banged a fist. “It’s the only thing we can do.”

I got up slowly and faced the fat man. “You killed Peanut’s wife,” I said.

The heavy face smoothed out with surprise and the mustache wriggled. “Come again?”

“You killed Peanut’s wife,” I repeated, “and I’ll be damned if I’m going to take the rap for it. When I came to after the killer slugged me, I don’t remember exactly what I did. It’s all hazy and confused. But after I got out into the street my head cleared and I found blood all over my hands.”

I put my face close to Prescott’s. “I’m not used to finding corpses and I may have dopyly tried to pull the knife out of her body, thinking she was still alive. My fingerprints are probably on that knife right now!”

Prescott laughed flatly. “But what makes you think I killed her, sonny?”

I snapped back from the desk and faced Shaw. “One of us must be the murderer. Only we three knew about the money. Why is Prescott here so early if he didn’t know I had to come here?”

“You must be crazy to think you can pin a murder rap on me because I came to my place early on one morning,” Prescott thundered. “I got a business here with plenty of bills and orders. It takes damn long to fix things up.”

SHAW gripped my shoulders and glared at Prescott angrily. “Shut up, both of you. Accusing each other won’t help, because none of us did the killing. Think a little. None of us has a motive. If Powers wanted the dough, he could have just skipped out without doing murder. If

me or you wanted the dough, Prescott, we could have slugged Powers somewhere before he even got to Helen Smith's apartment. Why bother about killing the girl?"

Prescott's mouth hung open stupidly and he closed it only to open it again. "Hasn't it occurred to you that a stranger might be the murderer?" Shaw continued savagely. "Maybe a house-breaker, or someone with reasons of his own—and the dough on Powers was so much to the good."

I sat down limply in my chair. "There's something to that. The grand bill in my handkerchief pocket wasn't stolen. A stranger wouldn't think of looking there."

Shaw nodded vehemently. "Sure."

"But what about my prints on the knife?" I asked desperately.

Shaw rubbed a finger across his lips. "That's bad. But before we knock ourselves out, let's find out for certain." He went behind the desk and motioned for Prescott to get up. Then he lifted the telephone.

"I know some of the right people in this town," he said, "and I'll find out if there are any prints on the knife."

He dialed and after a pause grinned. "Hello, Harry, how's it going? Yeah? Fine. Say, I want you to do me a favor. Peanut Smith was a friend of mine. I'd like to know if there were any fingerprints on the knife that killed his wife last night."

Shaw glanced at us, held up a forefinger and waited about five minutes. Then he smiled tightly and hung up, saying, "Thanks."

He walked around the desk, satisfied with himself. "Helen Smith was killed by a knife with a cork handle. A cork handle, you two guys ought to know, can't hold any fingerprints. Now if I had my way, we'd all go home and leave the rest to the

cops."

"We won't go home, Shaw," I said calmly and got up. "You were talking to yourself just now. I know, because there's a kitchen knife in Helen Smith's body right now. I put it there, after taking out this one." I yanked the cork-handled knife out of my pocket and threw it on the desk.

"The cops don't know about a cork-handled knife, the papers don't know, only the murderer and I know—and you're the murderer."

I finished speaking, and the silence that blanketed the room was thick and alive. Prescott and I stared at Shaw whose gaze burned on the knife on the desk.

"Powers, you're smarter than I thought," he said bitterly. His head sagged. "How could I know you took the knife with you?" His back slumped dejectedly and I started forward when he suddenly lashed out with a foot. It caught me in the stomach and I went flying backward.

I hit the chair by the desk and it toppled over, with me somersaulting on my neck. I looked up to see a gun half out of Shaw's pocket and Prescott hulking toward him. I scrambled up and grabbed the only thing handy, the knife on the desk.

Shaw's wild eyes swiveled on me and he shot twice without taking aim. The desk lamp smashed and tore itself off the desk. I whipped the knife forward and went lunging after it.

The butt hit Shaw in the face and he staggered while Prescott's ham of a fist slammed down on the back of his head. He slipped to his knees feebly tried to point the gun up.

I swung my bunched knuckles and they cut hard. Shaw flopped over without a moan. I picked up his gun.

Prescott stood impassively over the inert body. "Call the police," he said, breathing heavily. I went over and called

and came back.

Prescott's jowls heaved with mixed emotion. "The wife of his best friend! Why'd he do it?"

"Because he was probably broke and a guy like him gets used to having money. The twenty grand he gave me was all in new bills. They were counterfeit, having spent the original. He went through the whole farce about the delivery, instead of skipping out, so he could get your twenty grand too.

"He knew you'd soon realize he had robbed me, if he didn't kill Helen Smith. You, you knew you didn't rob me. If I'd taken the money, would I be sap enough to return and try to bluff? Very unlikely. There was only one possible course left for Shaw to avert suspicion—kill Helen Smith and point out, since none of us seemingly had a motive for this, that a stranger must have killed her."

Prescott's great head shook sadly. "But what was all that baloney about me being the killer before?"

"Shaw had to get to Helen Smith's apartment before I did. Last night, before he came in here, he siphoned the gasoline out of all three cars parked outside. Then, to get the smell of oil off his hands, he washed them with salt in the washroom. I noticed some crystals on his wrist. Careless of him to go so far as to prepare

the salt beforehand and then trip up by a hasty washing.

"By accusing you of the murder, by pretending to think that the red stuff I'd gotten on my hands—which Shaw knew was red ink from falling over Helen Smith's writing desk—was blood and that I'd left my prints on the knife, I was tangling up Shaw's plans. I might have bolted to the police. Next to convincing you that none of us stole the forty grand, Shaw was most anxious not to have the police associate him in any way with the murder. In less than half an hour they'd be able to find out how broke he was. No, Shaw's aim was to make us forget the whole thing. My assumed panic forced him to reveal what I'd been angling for all the time—that he knew the girl was murdered with a cork-handled knife!"

Prescott made weary noises in his throat and shuffled back to his chair. "When the cops find Peanut's stolen dough, I don't want any part of it."

"It'll go to the government," I said. "That's the law."

I picked up the overturned chair and fell heavily into it. I took out the thousand dollar bill Shaw had given me and slapped it down on the desk.

"So long war bonds," I said to it ruefully. "But your story will make the city editor do a jitterbug."