



Harvey whipped his automatic from beneath the sheet before the Lager could speak

# The Witness Died in Bed

By SAM MERWIN, JR.

*Detective Jim Harvey breaks into a hospital the hard way, but a copper must take a chance when he pins a rap on the right guy!*

PAT HARVEY, first-grade detective assigned to special duty with the district attorney's investigating staff, sat down stiffly in the leather armchair and looked at Jim Creedon, who lolled behind his satinwood desk as he unwrapped an expensive Havana cigar.

"Want one, Pat?" said Creedon, pushing a heavy humidor in the general direction of the detective.

"No thanks, Jim," said Harvey. "I'll stick to cigarettes—with all due apologies to Gene Tunney."

There was a brief silence while Creedon got his smoke going and tossed the match into a bizarre modernistic ashtray. Dark, dynamic, articulate, he wore his imported tweeds casually. His private agency was far and away the most successful in town. Yet to Pat Harvey, who had known him when, Creedon would always bear the stamp of a cop.

"That was a rotten break you got with Walters," Creedon said quietly. "Nothing like getting a killer and having him die on you before he can write a confession. I

didn't figure the bullet I put in his shoulder would knock him off. But a guy with a bum ticker—”

“It was a rotten break,” said Harvey, his eyes growing hot with anger. “If it was a break.”

“**W**HAT'S on your mind, Pat?” asked Creedon. “Let's hear it.”

“This is off the record, of course,” said Harvey, his not unhandsome features taut with strain. “But I'm not satisfied that he did die a natural death. He had no record of heart trouble. Suppose someone in Markham Hospital slipped him an overdose.”

“That doesn't make sense,” said Creedon. “Why would the hospital do that?”

“Ray Walters was a rat,” said Harvey. “He hid a lot of dirt behind his law degree. He had a lot of things on a lot of people, and he didn't mind putting on the squeeze. Markham may be a great surgeon, but he's human. He built that hospital, and he'd do anything to keep its name clean.”

“I see what you're driving at,” said Creedon, rolling the cigar in his mouth. “It might even be true. But I can't for the life of me see how you're going to get a case out of it you can take into court.”

“That,” said Pat Harvey, “is where you come in, Jim. You've been working with us on this case ever since Carl Thompson was shot. He was your client, and you did the digging that turned up Walters as his killer. I'm not satisfied it's closed. So I want you to put me inside that hospital.”

“You haven't developed a touch of dementia praecox or anything, have you, Pat?” suggested Creedon. “I don't get it.”

“Listen to this then,” said Harvey. “The Markham Hospital has a few spots on its record. Take the time last year when the Schick test serum froze and all the school kids who took diphtheria

inoculations nearly died. Sure, it was an accident. But a hospital can't stand many like it and survive.

“Maybe there have been other things wrong. Even a surgeon like Markham makes mistakes, and his staff are bound to make more. Maybe Walters had something on the doctor. Maybe he told him he'd expose him if he didn't arrange an escape after you shot him. What would you do in the doctor's place?”

“Possibly what you seem to think Markham did,” said Creedon. “But it still isn't evidence. And you'll have a time getting any. I know it looks tough, having Walters die while you were on duty in the ward—but the more you stir up, the worse it will look for you. As long as his death is laid to natural causes, you're clear.”

“And I still don't know how or why Walters killed Charles Thompson,” said Harvey doggedly. “I'm not as smart as you, Jim. I'm just a cop. But I'm going into that hospital and stay there until I'm satisfied one way or the other. And that, as I say, is where you come in.”

“Anything I can do, of course,” said Creedon, opening his hands.

“We're going for a drive in your car,” said Harvey. “When we get out along the parkway, you're going to hit me over the head with something and drive away. Send in a phone call when you get back. I'll do the rest. I've seen enough concussions to be able to fake one.”

“This,” said Creedon, rising with an amiable grin, “will be a pleasure. If you're silly enough to go through with it, I can't knock you any sillier....”

**W**HEN Pat Harvey came to, he was in a hospital bed. He had a lazy floating feeling as if the bed were a boat awash on a calm sea. Behind this pleasant sensation was a faint throb as of a motor. He tried to bring the two people standing

over him into clear focus, realized that he was coked to the eyes—also, that the throbbing came from his head.

"Hello, Dr. Markham," he said as his vision finally cleared and he recognized the eminent surgeon's gaunt, distinguished countenance. "Short time no see. And, hello, Miss Shannon." This to the trim brunette in nurse's whites.

"We didn't expect you back so soon—nor in this shape," Dr. Markham said quietly. "Don't try to sit up, young man. You're lucky to be alive at all. Give yourself a chance."

"Are you kidding?" asked Harvey. His memory had returned with a rush. "I may need observation, but no conk on the skull is going to keep me out of action long. I'll feel okay when whatever you've hopped me with wears off."

"You feel worse than you ever have in your life if I'd let it," said the doctor sternly. "You've got one of the best skull fractures I've seen in many a year. As a matter of fact, it's a miracle you're alive at all."

He nodded curtly and walked away while Pat Harvey assimilated this piece of startling information. Perplexed, he turned to the pretty nurse.

"He wasn't kidding at that, was he?" he asked.

"No," said Miss Shannon, her Irish blue eyes serious, "he wasn't."

"I'll be darned!" said Harvey. He closed his eyes as the light was hurting them, drifted back to sleep.

When he again recovered consciousness, his head ached sharply, but he felt a lot more like himself. Nurse Shannon brought him some soup and milk, which he was able to down without difficulty.

"That's more like it," she said. "I guess maybe you'll live."

"I guess maybe I will," he said,

smiling at her. "What's today?"

"Saturday," she said. He counted the days on his fingers.

"Then I've been here almost a week," he said, blinking. "Holy cow!"

"Six days," she told him. "There's a Mr. Creedon outside. He's called every day. If you feel up to it, you can see him now. But not for long. I've got to change your dressing."

"I'll see him!" said Harvey, a bit grimly. "Send him in."

Jim Creedon entered as the nurse held the door for him, looked at Harvey a bit sheepishly. Then he grinned at the nurse.

"You're prettier than ever, Miss Shannon," he said. "I'm beginning to look on you as an old friend. First with Walters; now with Pat, here. Too bad you had trouble with Walters. If he hadn't died, maybe Pat wouldn't have been conked."

Pat Harvey marveled at Creedon's bald-faced effrontery. And then he saw that Miss Shannon had turned pale, was biting her lower lip. This puzzled him. He had liked the girl during his period of watching Ray Walters, had thought her a forthright, pleasant, competent person. Now he wondered.

"I'd like to talk to Mr. Creedon alone," he said to break it up.

She jumped at his voice, and color flooded back into her face.

"For five minutes," she said. "Dr. Markham will want you on the table for examination when he changes your dressing."

Both men stared after her when she left. Creedon shook his head.

"Something screwy about her," he said. "Did you notice her reaction? Maybe you were right about this slaughterhouse, after all."

"I wonder," said Harvey. Then, "What the heck did you hit me with anyway, Jim? The side of a house? They tell me I'm

crushed like an eggshell."

"I'm sorry as the dickens, Pat," said Jim Creedon. "I always thought you had a thick skull. If I'd known you were a pumpkin head, I wouldn't have hit you so hard with that tire iron. I only wanted to make it look good."

"Well, you did that with interest," said Harvey. "What does the Department think about it?"

"They're still in a fog," said Creedon. "And I'm not the lad who can show them the light this time. You scared heck out of me."

"Unintentional, I assure you," said Harvey. "Okay, kid, I'll have a chance to talk to the doctor in a few minutes. Maybe he'll give us a lead."

"If there's a lead here—and from the way the Shannon girl acted just now, it looks like it—he may. But don't let him get wise while he's got you on the table. You might not get off."

"You're a cheerful cuss, Jim," said Harvey.

THE nurse came back a moment later and shooed Creedon out to the corridor. Pat Harvey looked at her steadily, and her eyes fell away.

"You acted," he told her, "as if there might have been something queer about Walters' death last week. Was there?"

"I'm not allowed to discuss other cases with the patients," she said shortly.

She had turned pale again. Harvey kept the uncomfortable silence going for close to a minute while she busied herself about the room.

"I see," he said finally. "Too bad you're mixed up in it. Or are you covering for Dr. Markham?"

"Please!" she said, and her voice was close to a sob. She turned and fled from the room.

Pat Harvey lay there, thinking it over as much as his aching head would permit. And as he thought, he became aware of his horrible mistake. He had done the very thing Jim Creedon had warned him against—tipped his hand while he was still at the mercy of the surgeon.

It was then that he knew fear. Pat Harvey was a brave man—he had shot it out with more than one criminal in his day, had taken his full share of lumps during the ten years he had been with the force. But the idea of lying on a table while a surgeon cut him to pieces was different. His flesh began to crawl under the sheet.

His concussion had betrayed him, but he was not going to die if he could help it. Across the room was the locker containing his clothes. And in them, if it had not been removed, was his police automatic. He prayed, first, that it had not been taken, second, that he would have the strength to get to it and back.

He had to crawl on his hands and knees to make it. His head felt as if the brains were spilling out of it with every move he made. Finally, after what seemed hours of agony, his hand fumbled with the latch. It worked. And seconds after that, his trembling fingers grasped the cool butt of the weapon.

The trip back seemed easier, somehow, despite the weight of the gun in his hand. At least he had it, had with it a chance to go out fighting. He got back into bed, checked the gun, saw that it was ready to shoot and stuck it between his knees. There was no other place of concealment.

"You're perspiring," said Nurse Shannon when she came in with two interns and a stretcher a few minutes later. "You've been stirring around too much. Dr. Markham won't like it."

"So he won't like it," said Harvey. "It's me that's doing it."

He had to fight against passing out as they rolled him along the corridor to the operating theater, but the feel of the gun between his knees helped him retain consciousness. Then expert hands switched him to the table, and he was alone in the little amphitheater with Nurse Shannon.

"Where's Dr. Markham?" he asked.

"He'll be here in a moment," she said. "You have nothing to worry about."

"That's what you think, sister," he said.

"Here he is now."

A door opened slowly, and instinctively Pat Harvey's right hand reached down under the sheets. And then he froze as a man stepped through the door.

"Surprise," said Jim Creedon. But he was not smiling. His face was a cold, sneering mask of death. In his hand was a heavy Luger, its long barrel distorted by a silencer.

"No!" gasped Nurse Shannon. "No!"

"You're crazy, Jim," said Harvey. "You can only fire one shot with that thing. And whichever one of us is left will talk."

**H**E saw the whole pattern now. Jim Creedon had killed Charles Thompson! Undoubtedly he had been using his agency and his "in" with the Police Department for blackmail. Ray Walters had been his secret partner. When Thompson had showed signs of making trouble, Creedon must have killed him, and framed Walters with the killing.

Knowing where his partner was, it had been easy for him to lead the police there

and shoot Walters down. But he hadn't killed him. Somehow, he had later engineered his partner's death here in the hospital. He had been around while Walters had been lying unconscious.

"Nurse Shannon won't talk," said Creedon. "She's responsible for letting me get at Walters, and she helped cover me up."

"You made me!" she gasped. "How was I to know you were a—"

"Killer," Jim Creedon finished for her. "But you won't talk, Shannon, and Pat won't be able to. Sorry, Pat, but I couldn't let you lie around here."

"So you missed twice," said Harvey quietly. "First you failed to kill Walters and had to finish him off here. Then you failed to kill me. I thought my skull was pretty tough. And this one you won't get a chance to finish."

His hand came out from under the sheet, and the stubby automatic blazed. Creedon looked with astonishment at the shattered stump of his hand as the silenced Luger clattered to the floor. Again the automatic roared, and the killer staggered back, a bullet in his shoulder. He put his good hand to it, and the fingers turned crimson. Swaying, he fell forward on his face.

"Find Dr. Markham and see if he's all right," Pat Harvey snapped to the nurse.

Nodding stiffly, she tottered, regained control of herself and obeyed.

"And don't worry too much," Harvey called after her. "With what we've got on Jim Creedon, he won't get you in trouble. As a matter of fact, I'd like to see him try."