



THE "CANARY" MURDER CASE



THE BENSON
MURDER CASE

© Charles Scribner's Sons



NAME ODELL, MARGARET			
(Scribner File)			
ADDRESS 154 West 71st Street			
CLASSIFICATION NUMBER B-381	PRIORITY NUMBER 9-A	COMPLAINT NUMBER 10042	DATE REPORTED Sept. 10
REMARKS Murder: Strangled about 11 p. m.			
Apartment ransacked. Jewelry stolen.			
Body found by Amy Gibson, maid.			
IN CHARGE Sergt. Heath - - Homicide Bureau.			

CHAPTER I

In the offices of the Homicide Bureau of the detective division of the New York police department there is a large steel filing cabinet; and within it, among thousands of others of its kind, there reposes a small green index-card on which is typed: **ODELL, MARGARET. 154 West 71st Street. Sept. 10. Murder: Strangled about 11 p. m. Apartment ransacked. Jewelry stolen. Body found by Amy Gibson, maid.**

Here, in a few commonplace words, is the bleak, unadorned statement of one of the most astonishing crimes in the police annals of this country—a crime so contradictory, so baffling, so ingenious, so unique, that for many days the best minds of the police department and the district attorney's office were completely at a loss as to even a method of approach. Each line of investigation only tended to prove that Margaret Odell could not possibly have been murdered. And yet, huddled on the great silken davenport in her living room lay the girl's strangled body, giving the lie to so grotesque a conclusion.

The true story of this crime, as it eventually came to light after a disheartening period of utter darkness and confusion, revealed many strange and bizarre ramifications, many dark recesses of man's unexplored nature, and the uncanny subtlety of a human mind sharpened by desperate and tragic despair.

Margaret Odell was a product of the Bohemian demi-monde of Broadway—a scintillant figure who seemed somehow to typify the gaudy and spurious romance of transient gaiety. For nearly two years before her death she had been the most conspicuous and, in a sense, popular figure of the city's night life.

Her notoriety was due in part to certain legendary tales of her affairs with one or two obscure potentates in the back-washes of Europe. She had spent two years abroad after her first success in "The Bretonne Maid"—a popular musical comedy in which she had been mysteriously raised from obscurity to the rank of "star"—and one may cynically imagine her press-agent took full advantage of her absence to circulate vermillion tales of her conquests.

Her appearance went far toward sustaining her somewhat equivocal fame. There was no question that she was beautiful in a hard, slightly flamboyant way. I remember seeing her dancing one night at the Antlers Club—a famous rendezvous for post-midnight pleasure seekers, run by the notorious Red Raegan. She impressed me then as a girl of uncommon loveliness, despite the calculating, predatory cast of her features. She was of medium height, slender, graceful in a leonine way, and, I thought, a trifle aloof and even haughty in manner—a result, perhaps, of her reputed association with European royalty. She had, the traditional courtesan's full, red lips, and the wide, mon-goose eyes of Rossetti's "Blessed Damsel." There was in her face that strange combination of sensual promise and spiritual renunciation with which the painters of all ages have sought to endow their conceptions of the Eternal Magdalene. Hers was the type of face, voluptuous and with a hint of mystery, which rules man's emotions, and, by subjugating his mind, drives him to desperate deeds.

Margaret Odell had received the sobriquet of Canary as a result of a part she had played in an elaborate ballet of the "Follies," in which each girl had been gowned to represent a variety of bird. To her had fallen the role of canary; and her costume of white-and-yellow satin, together with her mass of shining golden hair and pink-and-white complexion, had distinguished her in the eyes of the spectators as a creature of outstanding charm. Before a fortnight had passed—so eulogistic were her press notices, and so unerringly did the audience single her out for applause—the "Bird Ballet" was changed to the "Canary Ballet," and Miss Odell was promoted to the rank of what might charitably be called premiere danseuse, at the same time having a solo waltz and a song* interpolated for the special display of her charms and talents.

She had quitted the "Follies" at the close of the season, and during her subsequent spectacular career in the haunts of Broadway's night life she had been popularly and familiarly called the Canary. Thus it happened that when her dead body was found, brutally strangled, in her apartment, the crime immediately became known, and was always thereafter referred to, as the Canary murder.

My own participation in the investigation of the Canary murder case—or rather my role of Boswellian spectator—constituted one of the most memorable experiences of my life. At the time of Margaret Odell's murder John F. X. Markham was district attorney of New York, having taken office the preceding January. I need hardly remind you that during the four years of his incumbency he distinguished himself by his almost uncanny success as a criminal investigator. The praise which was constantly accorded him, however, was highly distasteful to him; for, being a man with a keen sense of honor, he instinctively shrank from accepting credit for achievements not wholly his own. The truth is that Markham played only a subsidiary part in the majority of his most famous criminal cases. The credit for their actual solution belonged to one of Markham's very close friends who refused, at the time, to permit the facts to be made public.

This man was a young social aristocrat, whom, for purposes of anonymity, I have chosen to call Philo Vance.

Vance had many amazing gifts and capabilities. He was an art collector in a small way, a fine amateur pianist, and a



Hers was the type of face, voluptuous and with a hint of mystery, which rules man's emotions and, by subjugating his mind, drives him to desperate deeds.

profound student of aesthetics and psychology. Although an American, he had largely been educated in Europe, and still retained a slight English accent and intonation. He had a liberal independent income, and spent considerable time fulfilling the social obligations which devolved on him as a result of family connections; but he was neither an idler nor a dilettante. Vance was not yet thirty-five, and, in a cold, sculptural fashion, was impressively good looking. His face was slender and mobile; but there was a stern sardonic expression to his features which acted as a barrier between him and his fellows. He was not emotionless but his emotions were in the main intellectual.

I kept a fairly complete record of the cases in which Vance participated, little thinking that I would ever be privileged to make them public; but Markham, after being defeated, as you remember, on a hopelessly split ticket at the next election, withdrew from politics; and last year Vance went abroad to live, declaring he would never return to America. As a result I obtained permission from both of them to publish my notes in full. Vance stipulated only that I should not reveal his name; but otherwise no restrictions were placed upon me.

I have related elsewhere the peculiar circumstances which led to Vance's participation in criminal research, and how, in the face of almost insuperable contradictory evidence, he solved the mysterious shooting of Alvin Benson. The present chronicle deals with his solution of Margaret Odell's murder, which took place in the early fall of the same year, and which, you will recall, created an even greater sensation, than its predecessor.

A curious set of circumstances was accountable for the way in which Vance was shouldered with this new investigation. Markham for weeks had been badgered by the anti-administration newspapers for the signal failures of his office in obtaining convictions against certain underworld offenders whom the police had turned over to him for prosecution. As a result of prohibition a new and dangerous, and wholly undesirable, kind of night life had sprung up in New York. A large number of well-financed cabarets, calling themselves night clubs, had made their appearance along Broadway and in its side streets; and already there had been an appalling number of serious crimes, both passion and monetary, which, it is said, had had their inception in these unsavory resorts.

At last when a case of murder accompanying a hold-up and jewel robbery in one of the family hotels up-town was traced directly to plans and preparations made in one of the night clubs and when two detectives of the homicide bureau investigating the case were found dead one morning in the neighborhood of the club with bullet wounds in their backs, Markham decided to pigeonhole the other affairs of his office

and take a hand personally in the intolerable criminal conditions that had arisen.

(Sunday, Sept. 9)

On the day following his decision, Markham and Vance and I were sitting in a secluded corner of the lounge-room of the Stuyvesant Club. We often came together there, for we were all members of the club, and Markham frequently used it as a kind of unofficial up-town headquarters.

"It's bad enough to have half the people in this city under the impression that the district attorney's office is a kind of high-class collection agency," he remarked that night, "without being necessitated to turn detective because I'm not given sufficient evidence, or the right kind of evidence, with which to secure convictions."

Vance looked up with a slow smile, and regarded him quizzically.

"The difficulty would seem to be," he returned, with an indolent drawl, "that the police labor under the notion that evidence which would convince a man of ordinary intelligence, would also convince a court of law. A silly notion, don't you know. Lawyers don't really want evidence; they want erudite technicalities. And the average policeman's brain is too forthright to cope with the pedantic demands of jurisprudence."

"It's not as bad as that," Markham retorted, with an attempt at good nature, although the strain of the past few weeks had tended to upset his habitual equanimity. "If there weren't rules of evidence, grave injustice would too often be done innocent persons. And even a criminal is entitled to protection in our courts."

Vance yawned mildly.

"Markham, you should have been a pedagogue. It's positively amazing how you've mastered all the standard oratorical replies to criticism. And yet, I'm unconvinced. You remember the Wisconsin case of the kidnapped man whom the courts declared presumably dead. Even when he reappeared, hale and hearty, among his former neighbors, his status of being presumably dead was not legally altered. The visible and demonstrable fact that he was actually alive was regarded by the court as an immaterial and impermanent side-issue. . . . Then there's the 'touchin' situation—so prevalent in this fair country—of a man being insane in one state and sane in another. . . . Your layman, swaddled in the darkness of ordinary common sense, would say that a person who is a lunatic on one bank of the river would still be a lunatic if he was on the opposite bank. And he'd also hold—erroneously, no doubt—that if a man was living, he would presumably be alive."

"Why this academic dissertation?" asked Markham, this time a bit irritably.

"It seems to touch rather vitally on the source of your present predicament," Vance explained equably. "The police, not being lawyers, have apparently got you into hot water, what? . . . Why not start an agitation to send all detectives to law school?"

Markham grunted. "I'd hardly endeavor myself to the people of this country if I answered the current strictures against me by recommending law courses for the police department."

"Permit me, then, to suggest the alternative of Shakespeare's butcher: 'Let's kill all the lawyers!'"

"Unfortunately, it's a situation, not a utopian theory, that has to be met."

"And just how," asked Vance lazily, "do you propose to reconcile the sensible conclusions of the police with what you touchingly call correctness of legal procedure?"

"To begin with," Markham informed him, "I've decided henceforth to do my own investigating of all important night-club criminal cases. I called a conference of the heads of my departments yesterday, and from now on there's going to be some real activity radiating direct from my office. I intend to produce the kind of evidence I need for convictions."

Vance slowly took a cigaret from his case and tapped it on the arm of his chair.

"Ah! So you are going to substitute the conviction of the innocent for the acquittal of the guilty?"

Markham was nettled; turning in his chair he frowned at Vance.

"I won't pretend not to understand your remark," he said acidulously. "You're back again on your favorite theme of the inadequacy of circumstantial evidence as compared with your psychological theories and aesthetic hypothesis."

"Quite so," agreed Vance carelessly. "You know, Markham, your sweet and charmin' faith in circumstantial evidence is positively disarming. I tremble for the innocent victims you are about to gather into your legal net. You'll eventually make the mere attendance at any cabaret a frightful hazard."

Markham smoked a while in silence.

"Why this sweeping depreciation of circumstantial evidence? I admit that at times it may be misleading; but it often forms powerful presumptive proof of guilt. Indeed, Vance, one of our greatest legal authorities has demonstrated that it is the most powerful actual evidence in existence. Direct evidence, in the very nature of crime, is almost always unavailable. If the courts had to depend on it, the great majority of criminals would still be at large."

"I was under the impression that this precious majority had always enjoyed its untrammelled freedom."

Markham ignored the interruption.

"Take this example: A dozen adults see an animal running across the snow, and testify that it was a chicken; whereas a child sees the same animal, and declares it was a duck. They thereupon examine the animal's footprints and find them to be the web-footed tracks made by a duck. Is it not conclusive, then, that the animal was a duck and not a chicken, despite the preponderance of direct evidence?"

"I'll grant you your duck," acceded Vance indifferently.

"And having gratefully accepted the gift," pursued Markham, "I propounded a corollary: A dozen adults see a human figure crossing the snow, and take oath it was a woman; whereas a child asserts that the figure was a man. Now, will you not also grant that the circumstantial evidence of a man's footprints in the snow would supply incontrovertible proof that it was, in fact, a man, and not a woman?"

"Not at all, my dear Justinian," replied Vance, stretching his legs languidly in front of him; "unless, of course, you could show that a human being possesses no higher order of brains than a duck."

"What have brains to do with it?" Markham asked impatiently. "Brains don't affect one's footprints."

"Not those of a duck, certainly. But brains might very well—and, no doubt, often do—affect the footprints of a human being."

"Well, according to your highly and peculiarly developed processes of reasoning, would the circumstantial evidence of those masculine footprints indicate a man or a woman?"

"Not necessarily either," Vance answered; "or, rather, a possibility of each. Such evidence, when applied to a human being—to a creature, that is, with a reasoning mind—would merely mean to me that the figure crossing the snow was either a man in his own shoes, or a woman in man's shoes; or perhaps, even a long-legged child."

"I'm delighted to observe," said Markham, "that, at least, you repudiate the possibility of a duck dressing itself up in the gardener's boots."

Vance was silent for a moment; then he said:

"The trouble with you modern Solons, d'ye see, is that you attempt to reduce human nature to a formula; whereas the truth is that man, like life, is infinitely complex. He's shrewd and tricky—skilled for centuries in all the most diabolical chicaneries. He is a creature of low cunning, who, even in the normal course of his vain and idiotic struggle for existence, instinctively and deliberately tells ninety-nine lies to one truth. A duck, not having had the heaven-kissing advantages of human civilization, is a straightforward and eminently honest bird."

"How," asked Markham, "since you jettison all the ordinary means of arriving at a conclusion, would you decide the sex or species of this person who left the masculine footprints in the snow?"

Vance blew a spiral of smoke toward the ceiling.

"First, I'd repudiate all the evidence of the twelve astigmatic adults and the one bright-eyed child. Next, I'd ignore the footprints in the snow. Then, with a mind unprejudiced by dubious testimony, and uncluttered with material clues, I'd determine the exact nature of the crime which this fleeing person had committed. After having analyzed its various factors, I could infallibly tell you not only whether the culprit was a man or a woman, but I could describe his habits, character, and personality. And I could do all this whether the fleeing figure left male or female or kangaroo tracks, or used stilts, or rode off on a velocipede."

Markham smiled broadly. "You'd be worse than the po-

(Continued on page 5.)

THE MOST BAFFLING MURDER CASE OF A GENERATION NOW CONFRONTS DISTRICT ATTORNEY MARKHAM. DON'T MISS A SINGLE INSTALLMENT OF THIS THRILLING STORY. TOMORROW: THE SCENE IN THE "CANARY" APARTMENT.