

# ELLERY QUEEN'S MYSTERY MAGAZINE

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# UNBREAKABLE ALIBI

by FREEMAN WILLS CROFTS

**T**HE TROUBLE WITH HERBERT RICH was that he was too clever. Always he would reject the simple for something more ingenious and complex. When he murdered Jack Fleet it was this trait which cost him his life — this and an admitted bit of bad luck.

Herbert and his young wife Joan lived alone in a hamlet on the slopes of the Sussex Downs. Herbert was a market gardener, but his real interest lay in photography, at which he was supremely good.

He was deeply in love with Joan, but feared for her the dullness of country life. His fear grew when his handsome and well-to-do friend, Fleet, began to show signs of interest in her. Fleet was the owner of a works at Shoreham and had been a brother officer during the war. He and Joan were acting in a charity play, and this gave him opportunities.

As the intimacy grew, Herbert felt more and more that if he did not get rid of Fleet he would lose Joan. Then, his fear clouding his judgment he decided that nothing less than Fleet's death would suffice. The idea revolted him, but for Joan he would do anything.

His ingenious mind soon worked out a plan. It involved two preliminaries. First, at exactly 8:53 on a dull morning, he took a photograph from

his drive, showing the side of his house and behind it, the church tower with its clock. Next, Joan must be out of the way while the crime was being committed. He dared not arrange this, so had to await her initiative. As it happened, within a month she was invited to York to a wedding. While she was away, a Mrs. Tolley, who normally came in to clean from 9:00 to 11:00, would return in the evening to cook supper. She could not come in time to make breakfast owing to getting her children out to school, but each night she would leave everything ready for Herbert to heat up in the morning.

When the day came, Herbert ran Joan into Brighton and saw her off. He then lunched at a club of which both he and Fleet were members. As he had every reason to hope, Fleet came in.

"Joan's going north tomorrow for a few days," he told Fleet. "Come and spend the night with us. She'll miss some rehearsals and wants to talk to you about it."

When Fleet turned up that evening, Herbert greeted him with a long face. "Sorry to say Joan has gone," he declared. "There was a phone call this afternoon. The girl whose wedding she was asked to has met with an accident. Joan's catching the night train out to stay with her."

Fleet obviously accepted the tale, but said that in that case he could not trouble Herbert to put him up and would run back to Brighton.

"Well," Herbert answered, "I admit the house is not the same without Joan. But Mrs. Tolley has prepared supper and she's not too bad a cook. At least, have a bite with me."

It was clear that Fleet would have preferred to leave, but he could not well refuse Herbert's invitation.

"That your new car?" Herbert went on. "They're great buses. And that gives me an excuse," he grinned, "a subject for a photograph. Just move round the corner of the house. If you stand at the car door, I won't keep you more than a sec."

Fleet agreed good-humoredly and the picture was taken. It recorded the time as shown on the clock in the background. Unhappily, it also included an admirable view of the steps to Herbert's back door, but artistry was not Herbert's aim.

Mrs. Tolley had achieved an excellent meal and during it Herbert took the crucial step. Into Fleet's whiskey he slipped two powdered sleeping tablets.

After supper he led the way to the lounge. "Sit down a moment," he invited. "I'd like your advice on a business matter. I'm thinking of giving up the market garden and opening a studio in Brighton. What do you think of the idea?"

By this Herbert achieved two ends: first, Fleet would remain in the lounge till he fell asleep, and second,

Mrs. Tolley would afterwards say that when she left the guest was still there.

With Fleet asleep and Mrs. Tolley gone, Herbert had the house to himself. He immediately got busy. Going to his dark room, a shed in the yard, he developed and quickly dried his two negatives. Then very carefully he blacked out a part of each. On that showing the car, the face of the clock became a black spot; on the other, everything but the face of the clock was taken out. Printing from each in turn, he produced a composite view showing Fleet standing by his car at 8:53.

Having removed the vital prints to safety, he deliberately set fire to the dark room, seeing that both telltale negatives were destroyed. He had some buckets of water ready, and before too much damage was done he extinguished the fire.

He now put on rubber gloves, and going to Fleet's car, screwed onto the wheel, handbrake, and gear lever, clamps which he had previously constructed. These would enable him to drive without smudging Fleet's fingerprints. This took some time — adjustments had to be made — and it was getting on to 2:00 A.M. before Herbert was finished.

Then came the part of the affair which he most dreaded. He returned to the lounge and with blows of a sandbag deliberately murdered the sleeping man. Round the body he fixed a chain to provide a weight.

By this time Herbert was trem-

bling in every limb, but a stiff pull from his flask steadied him. Using all his strength, he carried Fleet to the car, managing with immense difficulty to lift him into the back. Having thrown a rug over the body, he drove off.

Herbert drove as fast as he could with safety, keeping to the more unfrequented roads. His objective was 40 miles away, a bridge over the deep and sluggish Brender River. Before reaching it he switched off his lights, and driving by the faint glow from the stars reached the centre span. Once again putting forth his entire strength, he dragged Fleet's body from the back seat, levered it up on to the parapet, and pushed it over. It fell with a hollow splash. Because of the chain, Herbert was sure it would immediately sink to the bottom and never again be seen.

A deep pull from his flask once more steadied him. He drove on in the dark across the bridge, then with headlights on, set his course for home.

But not quite for home. Some five miles short of it he swung off the road, and following a lane, drove into a disused sandpit. There he hid the car among dense shrubs. Having removed his clamps from the controls, he completed the journey on foot.

All went well till he was within sight of his house. He had approached through a spinney to avoid the road and was about to step out into the garden when he had a fright. The milkman was coming, hurrying with

his bottles to the back door. Mrs. Tolley, before leaving at night, put out the empty bottle, taking in the fresh one on her arrival in the morning. Herbert threw himself down behind a shrub. The man glanced in his direction, but Herbert felt satisfied he had not been seen.

When the milk cart had gone he crept into the house. Though dog-tired, he was not yet finished. He went upstairs, got into his bed, and ruffled it up as from a night's sleep. Then he did the same with the spare-room bed. He washed and shaved, using the spare-room basin and towels. Almost fainting from hunger, he next prepared a large breakfast and ate it, using alternately two sets of table utensils.

He felt safe. Fleet naturally had left word at his private hotel that he would be out for the night. Mrs. Tolley had seen him at supper and would swear that he was still in the house when she left. She would also testify that two beds had been slept in and two breakfasts eaten. By the time inquiries were made she would have washed up, so the absence of Fleet's fingerprints on the utensils could not be noticed. The photograph would prove that Fleet had not left before 8:53 that morning, after which Herbert would have an unbreakable alibi. There could be no doubt as to when the photograph was taken, for first, this was the only night Fleet had been at the house, and second, at 8:53 in the evening it was dark. It would indeed be obvious that

the man had disappeared voluntarily. But even if by some miracle suspicion were aroused, no action could be taken in the absence of the body.

Yes, Herbert felt completely safe.

When Fleet failed to turn up the next day at his office, his manager began making inquiries. Dissatisfied with what he learned, he rang up the police.

Now, the police know a deal more of what goes on around them than is generally supposed, and they had not missed the gossip about Fleet and Joan. It therefore seemed possible that Fleet had gone to Herbert's, and an Inspector called at the house. He thought it interesting that Joan should have been away from home on that particular night; all the same, Herbert's story sounded convincing.

That evening the car was found. To the police the fact that Fleet had withdrawn none of his money ruled out a deliberate disappearance and they assumed foul play. But if it was murder, where was the body?

Then a further discovery strengthened their suspicions. With the idea of checking the new car's performance, Fleet had been noting the gasoline bought, together with the date and mileage. The police found the car had done 74 miles more than could be accounted for by Fleet's notes.

It is doubtful whether even then they would have got to Herbert but for a crowning piece of luck, good or bad according to the point of view.

A group of boys, bathing in the Brender River, began diving from the bridge. One of them discovered the body.

When the police established that the distance from Herbert's house to the bridge, and back to the sandpit, measured exactly 74 miles, they began to see daylight. Without much difficulty they imagined what Herbert could have done. Soon they had built up a strong case against him.

But against their theory was the seemingly incontrovertible evidence of the photograph. If Fleet had been at Herbert's house at 8:53 in the morning, as the clock plainly showed, Herbert could not possibly be guilty. Could a man of his skill then have faked the photo? If he had, it could only have been with one aim.

The Inspector again examined the picture and this time smacked his thigh in delight. Then he called once more on Herbert. After chatting over the affair he said, "Mrs. Tolley tells me that after supper on the night of Mr. Fleet's visit she put out the empty milk bottle as usual, and after 9 next morning took in the full one. Would you agree with that?"

Herbert could not deny what was obviously true.

"Then," went on the Inspector, "at 8:53 in the morning *there should be a milk bottle on your back-door step*. Where is it, Mr. Rich, in this photograph?"

Herbert felt his heart turn to water as he gazed at the empty back-door step.