

An Alibi
Being False It Could Not Withstand Investigation

The man who sits down to deliberately plan a crime works every point and detail to one common center—the alibi. The law has common sense enough in this one particular to presume that a man who is in Boston, for instance, when a murder is committed in Cincinnati could not have fired the shot or struck the blow. Therefore, let one accused of a crime prove to the jury that he was at some other point at a certain critical hour, and he must be declared innocent. This knowledge makes the alibi a favorite defense. If not clearly proved, it always raises doubts and affords opportunity for argument. On the other hand, however, when an alibi is fairly beaten by the prosecution, then circumstantial evidence becomes the death trap of the accused, and he has no show.

One of the best laid alibis I ever ran up against in my career as a detective, and one of the easiest to work out after I got the end of the thread in hand, was put forward in a case in Iowa about twenty years ago. The situation was this: In a small village in the western part of the State lived a Miss Clarinda Moore, a spinster about forty-five years of age. She was worth fifty thousand dollars, and she had adopted a boy named Byron Fergus. At the date of which I am writing this boy was no longer a boy, but a young man of twenty three. He was employed as a clerk in a dry-goods house, and boarded and lodged at home. He was adopted at the age of twelve, and on the day he reached his majority Miss Moore made a will leaving him every thing. This fact was known to all in the village. Fergus was a model young man. No one could point out a single bad habit. He was trusted and respected by all, and had he been accused of the slightest dishonesty, no one would have believed the charge.

In a smaller village six miles away Fergus had an aunt who was a widow and lived alone with the exception of having the company of a servant girl. He was in the habit of going over there about once in two months and remaining over Sunday. On these trips he drove a horse and buggy belonging to the village cooper. The horse had a peculiar habit which will be described later on. One Saturday evening of a July day Fergus drove away on one of those trips. There were two or three women at the gate in company with Miss Moore when he drove away. The only thing out of the usual was the remark that Byron looked rather pale and seemed a bit nervous, but probably this would never have been thought of but for what came to pass.

At eleven o'clock that night there was a thunder storm, and an insurance agent who was on the road between the two villages with horse and buggy, drove into a fence corner and sheltered himself as well as possible with the waterproofs. In the midst of the storm a horse and buggy came along. The driver was so enveloped by waterproofs that the agent could not tell whether he was old or young, large or small, white or black. At that spot the road had been lately graded up and was very soft. The stranger was urging the horse to trot, but the beast found the mud too deep and could only proceed at a walk. As the strange horse came opposite, there was a long, vivid flash of lightning, and the agent saw that the animal had his head turned toward the right and his tongue out. This was the peculiar habit of the cooper's horse when on a walk. When trotting he held up his head and kept his tongue back. The agent identified the horse to his perfect satisfaction, and called out to the driver, asking who he was. Instead of halting or replying the man struck the horse sharply with the whip and was out of sight in a moment.

“That’s old Shepperd (the cooper), and he’s afraid I’m a highwayman,” laughed the agent, and, the rain now beginning to cease, he made ready to resume his journey.

Miss Moore was an early riser, and moreover never missed church services. As the day was fine, and she was not seen at church, two or three of her friends called at the house on the way to ascertain her excuse. They found the curtains down and the doors locked. As they knew of young Fergus going to his aunt’s the evening previous they reasoned it out that he must have returned during the night for Miss Moore, she perhaps being wanted for an emergency. This theory satisfied them until about four o’clock in the afternoon, when one of them returned to gather a bouquet of flowers. She then noticed bloody finger-marks on the back door, and, trying the door, found it unlocked. She dared not enter the house, but two or three men were summoned to make an investigation, and in a few minutes it was discovered that a murder had been committed. The dead body of Miss Moore was found in the sitting-room at the door of her bedroom. She had been struck three terrible blows with a club or other blunt weapon, each one breaking the skull.

I was visiting the sheriff at this time, and we were driving through the village when the first alarm was sounded. I was, therefore, at the house among the first, and being placed in charge by the sheriff, I kept the people out until I could make an investigation. The murderer had not obtained forcible entry to the house. Not a single article of value had been removed, nor had any ransacking been done. The woman had been struck down where the body lay, but her hands were clenched as if she had grasped the weapon of death and it had been pulled away from her. The palm of one hand was torn and bleeding. I did not know either the dead woman or Fergus, but I wanted authority to arrest the latter. When this fact became known I was regarded as an idiot or a lunatic. A general cry went up that Fergus could no more be suspected than an angel in Heaven, but while the sheriff was left to secure the necessary papers I drove out to interview the young man and break the news to him. If Fergus was guilty, his defense would be an alibi, and he had carefully arranged the details. He would be expecting the news, and he would be braced up to play a part.

I found him making ready to hitch up to drive back. He had never seen me before, and he did not know my profession. As I entered the barn he looked startled and turned pale, but recovered himself after a minute, and asked the nature of my business.

“You know, of course, that Miss Moore is dead?” I carelessly replied.

“How—how should I know it?” he exclaimed, turning very white.

“Well, she is dead, poor thing.”

“And do they charge me with it?”

“With what?”

“Her murder?”

“I hadn’t said she was murdered. I told you simply that she was dead. How did you know she had been murdered?”

He saw the trap he had fallen into, and he gasped and stammered and did his best to smooth it over. I pretended not to lay it up as a point against him, and speedily arranged that he should return in my vehicle and leave the cooper’s rig where it was. After the first shock he braced up wonderfully, and his demeanor on the way home was entirely that of an innocent man. He expressed great willingness to give us all possible information, but at the same time advanced and clung to the theory that no one but a tramp could have been guilty of the crime. Upon reaching home he displayed considerable grief and emotion. In fact, he rather overdid it. It was more like acting out a part. The people were indignant that he should be suspected, and he was not put under restraint. Indeed, no warrant had been issued for him.

Early the next morning, satisfied in my own mind that Fergus was the murderer, I drove out to his aunt’s. I found that he arrived there at seven o’clock Saturday night. Half an hour later he complained of headache and went to bed, saying he would be down again by nine o’clock. As he did not keep his promise, the hired girl knocked on his door at that hour, but receiving no reply was told not to disturb him. He was not seen by the inmates of the house until seven o’clock Sunday morning. The girl was up at five, and as she crossed the yard she saw that his window was up, and some of his clothing was hanging in the sun. At the barn I found the cooper’s buggy washed clean. Fergus had done this Sunday forenoon. He had not made a good job on the horse, however, and I found plenty of mud on his fetlocks. As it was dusty Saturday night when he was driven over, this mud must have been picked up after the storm. I found the harness stiff and damp from being wet, and the cloth cushion of the buggy was still damp. Hunting further, I found the fresh tracks of horse and buggy turning into the barn-yard after the rain. The window of the room occupied by Fergus opened on the roof of the shed, the lower edge of the roof stood a leach. On the edge of this leach and on the roof I found mud. On the carpet in Fergus’ room I found more of it. He had scraped and cleaned his boots and flung the dirt into a stove, whence I got half a pound.

All this I got without the aunt suspecting that I was after proofs. I then returned to the scene of the murder, and after an hour’s search discovered the place where a horse had been hitched for some time. It was in the rear of the house, on an open space, and under a tree, and the horse had pawed up the ground and gnawed the bark of the tree. The footprints of a man could be faintly traced across the garden, and I had no doubt that Fergus came and went this way. On the fourth day after the funeral, I learned from the insurance man what he had seen during the storm, and then a warrant was issued and Fergus was taken into custody. By this time the townspeople had begun to think it a queer case. Fergus had gone over the house and declared that nothing had been taken. No suspicious characters had been noticed in the neighborhood. Jewelry and money had been left lying on the bureau, showing that the object could not have been plunder. Did the woman have an enemy? No, not one, as far as we could learn. Who could profit from her death? No one but Fergus, and yet this was one of the strong points he brought forward. It was known to a score of people that she had made her will in his favor. Would not everything be his after her death?

To clinch our case and make circumstantial evidence good we must show a motive. This seemed hopeless, but I went at the task, hoping evidence might aid me if Fergus was guilty. I examined his personal effects over and over again in search of a hint, but for two weeks after he had been sent to jail I discovered nothing. Then I got the clue where I ought to have secured it before. In a drawer in his desk I found several advertisements plainly in the interest of swindlers. One of them read:

“A steady young man with \$10,000 in cash can double it in one year in a legitimate enterprise. For particulars address Box 801,” etc.

Another read:

“If you have nerve and \$5,000 in cash we will make you a millionaire in one year. We permit the fullest investigation before investment. Write for particulars.”

A third just hit the case:

“Are you a young and ambitious man, feeling that you could get ahead if properly backed and encouraged? Have you any money? Can you get from \$1,000 to \$3,000? If so we will positively guarantee you \$100 in return for every dollar, and inside of a year.”

I felt sure he had written some of these parties, but as I could not find any letters from them I set out to hunt them up in person. They were bold-faced swindlers, and they bothered me some, but in the end I got five letters written by Fergus. In one of them he stated that he would soon have money to invest, and expressed his satisfaction at the particulars of the speculation as far as given him. The greed of gain, then, was his incentive. The woman who had been mother and sister to him came of a long-lived race, and was in good health, and a month before her death was told by a doctor in the hearing of Fergus that she was likely to live to be ninety or one hundred years old. Until her death the young man could hope for little or nothing, as she was obligated to make the investment of her capital support her.

Murderer or not, the boy was the legal heir, and he employed the best legal talent in the West to defend him. The lawyers might take every dollar if they could but clear him. It was a veritable fight for life with all the money and most of the talent on one side, but that web of circumstantial evidence kept drawing closer and closer, and it could neither be broken nor explained away. Had Fergus been innocent a frank reply to each question would have explained it. Being guilty, his evasions only made matters worse. The jury were out fourteen hours before finding a verdict of guilty, but within an hour he had made a full confession. He told me that he had been planning for two months, and that he believed that he had arranged details until his case could withstand the most minute investigation of the highest detective talent.

The New York [NY] Sun, June 23, 1889

The Syracuse [NY] Daily Standard, July 14, 1889

The Reno [NV] Evening Gazette, August 8, 1889