



a Penguin Book

4!

# Independent Witness

Henry Cecil

author of 'Brothers in Law'



## Independent Witness

Henry Cecil was born in Middlesex before the First World War. At the age of five he opened his literary innings with a poem to his grandmother and other verses; at eight he was writing on coal strikes. At Cambridge he edited an undergraduate magazine and, with Norman Hartnell and others, wrote a Footlights May Week production. While on draft to the Middle East with his battalion in the Second World War he used to entertain the troops with a serial story each evening. This formed the basis of his first book, *Full Circle*. It was rejected sixteen times before being published.

Since then he has written many books, some so successful that sixteen publishers are probably kicking themselves today. Among them are *Alibi for a Judge*, *Brothers in Law*, *Daughters in Law*, *Much in Evidence*, *Settled Out of Court*, *Ways and Means*, *Unlawful Occasions*, *No Bail for the Judge* and *The Painswick Line*. These, and others, are available in Penguins. Henry Cecil is married and lives in London.



# Independent Witness

Henry Cecil



**Penguin Books**

in association with Michael Joseph

Penguin Books Ltd, Harmondsworth,  
Middlesex, England  
Penguin Books Pty Ltd, Ringwood,  
Victoria, Australia

First published by Michael Joseph 1963  
Published in Penguin Books 1965  
Copyright © Henry Cecil, 1963

Made and printed in Great Britain by  
C. Nicholls & Company Ltd  
Set in Monotype Baskerville

This book is sold subject to the condition  
that it shall not, by way of trade, be lent,  
re-sold, hired out, or otherwise  
disposed of without the publisher's consent  
in any form of binding or cover other  
than that in which it is published

## Contents

- 1 Hit and Run 7
- 2 Voluntary Statement 12
- 3 Consultation 18
- 4 Mr Justice Grampion 27
- 5 Colonel Brain in the Box 32
- 6 Mr Salter 40
- 7 At the Bar of the Blue Goose 49
- 8 A Drive in the Country 55
- 9 Mrs Benson Makes Two Calls 59
- 10 Mrs Benson in the Box 76
- 11 Colonel Brain Again 90
- 12 Commander Parkhurst 100
- 13 Patricia 109
- 14 Mr Berryman 120
- 15 Mr Piper 127
- 16 Joan 131
- 17 Mr Salter Again 136
- 18 Speeches 148
- 19 The Summing-up 164
- 20 The Truth 170

The story on which this novel is based  
was first written by the author as a radio play with the  
same title.

## Hit and Run

The car stopped at the 'halt' sign and the driver looked right, left and right again. There was nothing in sight, and the car went forward, just in time to be hit broadside by a motor-cycle which had come round a sharp bend in the other road. The motor-cyclist hurtled over the top of the car and lay still. The driver stopped the car, hesitated for a moment and then drove off.

'Murder! Thieves! Stop!' shouted Colonel Brain, who was first out of the Blue Goose, the public house at the corner. 'Have you got his number?' shouted the colonel. But no one had. If anyone had expected the car to drive off, it would have been simple enough to take the number. But, as the car had stopped, none of the dozen people in the street at the time of the accident had thought it necessary. By the time they realized that they needed the number the car was vanishing out of sight. Someone said he thought the letters were CQ but that was the best they could do.

The police were on the scene within five minutes, and within ten minutes an ambulance had taken the motor-cyclist away. The police then radioed a description of the wanted car. This was not entirely easy. People were agreed that it was a sports saloon, but the colour varied. Grey, blue, and black were the most popular colours. But there was also a dark red. The common denominator was dark, and so the police called it: 'A dark sports saloon, with letters CQ and marks of a collision in the middle of the offside.'

Having dealt with the most urgent matters the senior policeman decided that there were so many witnesses and that the case was so serious that the statements would be better taken at the nearest police station, half a mile away.



They were able to give a lift to two of the bystanders but the rest, having given their names and addresses, were invited to walk. It was a dull day but not actually raining.'

Colonel Brain saw old Mrs Benson on the other side of the road and went across to her. Although eighty-two she had said she preferred to walk, and so she and the colonel walked together.

'It should be prevented by law,' said the colonel. 'If that driver had been in my battalion this would never have happened.'

'Drivers!' said Mrs Benson. 'Some of them are a disgrace.'

'Do you drive, madam?' asked the colonel.

This was an awkward question for Mrs Benson. She loved driving. It was one of her dearest hobbies. But unfortunately, some three months previously, she had had an accident and been charged with dangerous driving. No one had been hurt, but the Bench considered that, if they let Mrs Benson go on driving, someone might be, and they had suspended her licence for a considerable period. A period which they thought would be sufficient to prevent her driving again in this world.

'Everyone drives today,' said Mrs Benson, 'but some of them should not be allowed to.'

'Disqualify them, I say,' said the colonel. 'That's the proper penalty. Disqualify them.'

Mrs Benson coloured slightly.

'Did you see it, colonel?' she asked.

'Did I see it?' said the colonel. 'I was first out.'

'Out?' queried Mrs Benson.

'On the scene, madam, on the scene. I saw it all. Quite disgraceful.'

'I saw it too,' said Mrs Benson. 'It was terrible.'

'There's a "halt" sign on that road,' said the colonel. 'Suppose he can't read. A foreigner, perhaps. They shouldn't be allowed to drive, madam, till they can read. A Frenchman perhaps. Do you know the French for halt, madam?'

'*Halte*, isn't it?'

'No, the French, madam.'

'I thought it was "*halte*". With an "e", you know.'

'But it sounds the same.'

'Yes, it does.'

'Then may I ask you, madam, what is the point of the "e"?'

'I've never thought of it like that,' said Mrs Benson.

'These foreigners!' said the colonel. 'Perhaps it was a German. D'you by any chance know the German for halt?'

'*Halt*, isn't it?' said Mrs Benson.

'But that's the same word, isn't it?' said the colonel.

'Yes.'

'Not even an "e"?'

'No.'

'Then once again, madam, I don't see the point. If it's a foreign language it should be different. That's the object of a foreign language, isn't it, to be different? But you say it's the same. *Halt*. Just like the English. Then how do we know he was a German?'

'You say such odd things, colonel.'

'But in English, madam, you must admit that. Anyway, the sign said "*halt*", and he didn't. Even without an "e" he should have understood it. But it would be a stronger case if he were German. You say it's the same in German?'

'I think so.'

'I have a feeling that he was a German, madam. Intuition, they call it. Found it very useful in my battalion. We had a corporal once who went absent without leave. He was a good chap and I felt sure it was about his wife.'

'And was it?'

The colonel thought for a moment.

'No,' he said, 'it wasn't. That was another case.'

'I see,' said Mrs Benson.

'Just an example, of course. Not on all fours. But near enough. Near enough. I hope they catch this fellow. I know what I'd have given him if he'd been in my battalion.'

'What would you have given him, colonel?'

Again the colonel was silent for a moment or so.

'As a matter of fact I couldn't have tried the case. So I

couldn't have given him anything. But if I could have given him anything I'd . . . I'd . . .' He stopped.

'Yes, colonel,' said Mrs Benson.

'It wouldn't make sense, madam, would it, to tell you what I would have given him if I could have given him, when I couldn't have given him.'

'I see.'

'We Army fellows haven't much brain to boast about, or so they tell us, but we try to talk sense.'

'I'm sure you do.'

'Thank you. And, if there were exams in talking sense, most of us would pass. Which is more than you can say for the Staff College. I failed twice.'

'What a shame.'

'A shame! It was a record. I'm the only person who's been allowed to fail twice. Most people are only allowed to fail once. That isn't much of a qualification. But twice, madam, that shows.'

'I'm sure it does.'

'But what does it show, madam?'

'Quite frankly, colonel, I've no idea.'

'But how could you? You weren't there. I wonder if they've caught the fellow.'

They reached the police station and were shown into a waiting room. It was some time before their turn came. Altogether there were over twenty witnesses, most of whom claimed to have seen the whole thing. As the case might result in a charge of manslaughter the police were taking no chances and they took statements from everyone. Although the details varied, sometimes considerably, they were all agreed that the car had come straight across the cross-roads without stopping and at a very fast speed. Even Colonel Brain, who had been inside the public house at the moment of impact, was quite definite on this point. And by the time he had said it often enough he really believed it.

'Now, Colonel Brain,' the officer said, 'what can you tell us?'

'I was having my morning pint when something - I can't remember what it was - made me go outside. And there was

this chap tearing across the cross-roads. The poor motorcyclist never had a chance.'

'What speed would you estimate the car was doing?'

'I couldn't be positive to a mile or two, but forty or fifty certainly.'

'At what speed did he cross the "halt" line?'

'The same.'

'And did he stop after the accident?'

'Well, he paused,' said the colonel. 'I suppose he wanted to be sure he'd killed the fellow. Apparently he was satisfied and drove on. D'you think you'll catch him, officer?'

'I expect so, sir. He must have a nasty mark on the car, and we've got the letters. If you see any cars with CQ on them will you please make a note of their numbers and let us know?'

'By Jove,' said the colonel, 'that's bright of you, officer. Why didn't I think of that?'

'We shall investigate all the CQs if necessary, but that's a long job.'

'Let's hope it *was* CQ then,' said the colonel. 'Not CG or GC or QC or QQ or CC or GG or . . . but I suppose you could investigate all those too if necessary.'

'We should all be dead by then, sir. No, if it's not CQ we'll get nothing that way. But, unless he's a garage proprietor himself, the damage should help us. Of course he might lay the car up in his garage for six months or more. Then, if it isn't CQ, we've had it.'

'Don't give up, officer. I've a feeling you'll get the fellow. Intuition, you know. There was once a corporal - no, there wasn't.'

## Voluntary Statement

Two days after the accident Andrew Mortlake, a journalist with considerable knowledge of the Courts, called on his friend Michael Barnes, M.P. He had been asked round for a drink.

'What's wrong?' he asked, as soon as he saw Michael's face. 'Is it Sheila?'

'Yes,' said Michael.

'I'm terribly sorry. Tell me.'

'She's in hospital. The baby started to go wrong and it's been touch and go. Body and mind.'

'She's a bit better?'

'Yes. A bit. But it's terribly worrying.'

'I know. Anything I can do?'

'I'm not sure. I've got to think.'

'Well - anything at all. You know.'

'It's good of you, Andrew, but I'm not sure.'

'Not sure? I don't quite follow.'

'You couldn't,' said Michael. 'I'm trying to make up my mind whether to tell you.'

'Is it worse than you said, or what?'

'No, it's nothing to do with Sheila. Yet it is, in a way. I'm in the most frightful mess, and quite frankly I don't know what the hell to do.'

'Well, don't tell me, if you'd rather not, but it'd probably be better to get it off your chest.'

'I know, but I don't want to involve other people.'

'I can't think what you can be talking about. Is it political?'

'Only indirectly. I'd tell you if I knew more about the law. But I don't want to put you in a false position. Perhaps

you know the answer. Suppose I told you I'd committed a crime, would you yourself be guilty of an offence if you didn't go to the police?'

'I've no idea. But I wouldn't go, if that's what you're afraid of.'

'That's the trouble. If I tell you - either you have to go to the police, which wouldn't suit me, or you become a criminal yourself, which wouldn't suit you.'

'But what on earth have you done? It can't be all that bad. I mean it's impossible. Have you assaulted someone in a cinema or something?'

'Oh, good Lord, no.'

'Sorry, but I can't think what it can be. You say it's not political?'

There was a pause, while the one man wondered what it was all about and the other whether to say what it was.

'I'd have read about it if you'd been had up for "drunk in charge". Anyway, you never would be.'

'No, but you're warm.'

'A motoring offence?'

'Yes. I suppose I'd better tell you. But I hope to God I'm not going to make it awkward for you.'

'Don't worry on that score. This conversation never took place.'

'Have you heard a police broadcast on the wireless asking for the driver of a car which collided with a motor-cyclist at the Blue Goose cross-roads at Needham and didn't stop?'

'I can't say that I particularly noticed it. There are so many of these police announcements. That was you?'

'Yes.'

'Why on earth didn't you stop?'

'That's the trouble. I'd just had a phone call from Sheila. She sounded terribly odd at first. Then she became hysterical and obviously dropped the receiver. I jumped into the car and raced home like hell. I came to these cross-roads and stopped. Just for a moment. I'll swear there was nothing in sight. So I went on and this wretched motor-cyclist came flying round the corner and into me. Went right over the top of the car. There were lots of people in the street. I stopped

and hesitated for a moment. Well, you know how quickly the brain works. First and foremost I thought of Sheila possibly lying in a faint on the floor. The baby possibly arriving. Anything. There were lots of people to look after the poor chap on the ground. Nothing I could do for him. If I'd got out I'd have wasted at the least minutes and possibly much more. It took me half a second, I suppose, to think of all that. I made up my mind and I was off.'

'That was fair enough. I'd have done the same.'

'I got back in time to whisk Sheila off to hospital. She was sitting in a chair just looking in front of her. An awful look. She saw me and recognized me, and yet didn't seem to know me properly. I've had forty-eight hours of hell. And we're not out of it yet.'

'That's why you haven't been to the police yet?'

'That's one reason. But there's another. If they'd had my number they'd have been for me. So it looks as though they won't get me unless I go to them.'

'Aren't you going?'

'Of course I would in the normal way. But it's bound to be reported in the Press, and if Sheila sees it, it might be such a shock that she'd have a relapse. They say she must be kept absolutely quiet. Now, what the hell should I do? I really just don't know. This fellow may die. Then there'll be an inquest. I'm an M.P. It sounds dreadful not going to the police - but, if I do, it might kill Sheila - or worse. What would you do?'

Andrew thought for a moment.

'I hope to God it never happens to me. But I'll tell you what I'd do. I'd wait till Sheila's in the clear. Then I'd go to the police and explain.'

'Even if the chap died?'

'Certainly. Going to the police won't help him, or his relatives. Later on you can tell them why you did it. There's only one thing, though.'

'What's that?'

'Are you sure you can't be traced?'

'Wouldn't they have been here already if they'd got the number?'

'The whole number, yes. But, if they've only got part, they'll have a lot of weeding out to do. Might take days. Then again, you must have a mark on your car.'

'Yes, it's dented a door panel.'

'Someone might see it. If you have it put right, the garage certainly will. If you don't, it'll be there for anyone to see, and if they've got part of the number . . .'

'They have. CQ.'

'Oh Lord. That looks bad, old boy. Presumably, if they come round to you, you can't tell them lies and you'll have to admit it. Then there's only your word for it that you were going to tell them later. People aren't inclined to believe that sort of thing.'

'Then you'd go to the police now?'

'If I were sure you wouldn't be traced, I wouldn't. As I said, I'd wait until Sheila was O.K. But, if there's a chance of your being picked up, it's much too dangerous to wait.'

'Why exactly?'

'Well, I believe what you've told me about the accident. But those bystanders who saw you drive off may say anything about you. And if, in addition to that, you have to be nosed out by the police, and if the chap dies, they might charge you with manslaughter. Even if he doesn't die, they would be almost certain to charge you with dangerous driving or whatever.'

'But if Sheila sees about it in the papers?'

'You must get the staff to keep them from her. I'm sure they'll try to help. But it's much better for her to read that you were just involved in an accident than that you've got a year for manslaughter or six months for dangerous driving.'

'D'you think that's likely?'

'No, of course not, old boy, but, if the police are going to find you in the end, it'll be much worse for you if they have to come to you than if you go to them. How is the chap, by the way?'

'Well, I haven't been able to ask. But according to the papers he's still seriously ill.'

'I think you ought to go off straight away. It's much too



dangerous to risk their not tracing you. And I think they would. Unless you're a panel-beater and can repair the damage perfectly yourself they'll be round here because you're one of the CQs. Then either you show them the car or you don't. Either way, you'll have had it. And if you take it to be repaired, ten to one the garage will go to the police. No, old boy – it's not really a choice of evils. You'll have to do it. Quickly too, in case they're on the way here now. I tell you what. If you like, I'll go to the hospital and have a word with them about the papers.'

An hour later Michael was in Sandy Lane police station making a statement to a police officer. He told the officer substantially what he had told Andrew.

'You're quite sure you stopped at the "halt" line, sir?' he was asked.

'Absolutely,' said Michael. 'Not for long, though. I just looked quickly each way. There was nothing and I went on. As I told you, I was in a great hurry.'

'If I may say so,' said the officer, 'if you'll forgive me, that doesn't sound very good from your point of view. Most motorists explain that they are in no hurry at all.'

'I dare say,' said Michael, 'but I *was* in a hurry and for a very good reason. And I won't deny that I went at more than thirty in a restricted area.'

'You don't have to make any admission, sir. And, unless you want me to, I won't take down that part about the speed limit. If I may say so, sir, there may be quite enough against you without your adding any more.'

'D'you think I'm likely to be charged then?'

'It's not for me to say, sir.'

'But do you think it likely?'

'I can't say, sir, but if there are seven or eight witnesses who say you didn't stop at the "halt" line, and only one says you did, it looks . . .'

Michael interrupted him.

'I'm glad there's one person who really was looking. May I ask the name of the witness who saw me stop?'

'Well, sir, normally I wouldn't be allowed to tell you, but I can in this case. It's you, sir.'