

The Case of
THE IRATE
WITNESS

Erle Stanley Gardner

* A Distributed Proofreaders Canada eBook *

This eBook is made available at no cost and with very few restrictions. These restrictions apply only if (1) you make a change in the eBook (other than alteration for different display devices), or (2) you are making commercial use of the eBook. If either of these conditions applies, please check with a <https://www.fadedpage.com> administrator before proceeding. Thousands more FREE eBooks are available at <https://www.fadedpage.com>.

This work is in the Canadian public domain, but may be under copyright in some countries. If you live outside Canada, check your country's copyright laws. **If the book is under copyright in your country, do not download or redistribute this file.**

Title: The Case of the Irate Witness

Date of first publication: 1953

Author: Erle Stanley Gardner (1889-1970)

Date first posted: Jan. 7, 2021

Date last updated: Jan. 7, 2021

Faded Page eBook #20210113

This eBook was produced by: Al Haines & the online Distributed Proofreaders Canada team at <https://www.pgdpCanada.net>

[Source: *Colliers Weekly*, January 17, 1953]

The Case of
**THE IRATE
WITNESS**

By ERLE STANLEY GARDNER

Perry Mason refused to believe the proof against his client. The district attorney was too smug. The evidence was too good.

THE early-morning shadows cast by the mountains still lay heavily on the town's main street as the big siren on the roof of the Jebson Commercial Company began to scream shrilly.

The danger of fire was always present, and at the sound, men at breakfast rose and pushed their chairs back from the table. Men who were shaving barely paused to wipe lather from their faces; men who had been sleeping grabbed the first available garments. All of them ran to places where they could look for the first telltale wisps of smoke.

There was no smoke.

The big siren was still screaming urgently as the men formed into streaming lines, like ants whose hill has been attacked. The lines all moved toward the Jebson Commercial Company.

There the men were told that the doors of the big vault had been found wide open. A jagged hole had been cut into one with an acetylene torch.

The men looked at one another silently. This was the fifteenth of the month. The big, twice-a-month payroll, which had been brought up from the Ivanhoe National Bank the day before, had been the prize.

Frank Bernal, manager of the company's mine, the man who ruled Jebson City with an iron hand, arrived and took charge. The responsibility was his, and what he found was alarming.

Tom Munson, the night watchman, was lying on the floor in a back room, snoring in drunken slumber. The burglar alarm, which had been installed within the last six months, had been by-passed by means of an electrical device. This

device was so ingenious that it was apparent that, if the work were that of a gang, at least one of the burglars was an expert electrician.

Ralph Nesbitt, the company accountant, was significantly silent. When Frank Bernal had been appointed manager a year earlier, Nesbitt had pointed out that the big vault was obsolete.

Bernal, determined to prove himself in his new job, had avoided the expense of tearing out the old vault and installing a new one by investing in an up-to-date burglar alarm and putting a special night watchman on duty.

Now the safe had been looted of a hundred thousand dollars, and Frank Bernal had to make a report to the main office in Chicago, with the disquieting knowledge that Ralph Nesbitt's memo stating that the antiquated vault was a pushover was at this moment reposing in the company files....

Some distance out of Jebson City, Perry Mason, the famous trial lawyer, was driving fast along a mountain road. He had planned a week-end fishing trip for a long time, but a jury which had waited until midnight before reaching its verdict had delayed Mason's departure and it was now eight thirty in the morning.

His fishing clothes, rod, wading boots and creel were all in the trunk. He was wearing the suit in which he had stepped

from the courtroom, and having driven all night he was eager for the cool, piny mountains.

A blazing red light, shining directly at him as he rounded a turn in the canyon road, dazzled his road-weary eyes. A sign, *STOP—POLICE*, had been placed in the middle of the road. Two men, a grim-faced man with a .30-30 rifle in his hands and a silver badge on his shirt and a uniformed motorcycle officer, stood beside the sign.

Mason stopped his car.

The man with the badge, deputy sheriff, said, "We'd better take a look at your driving license. There's been a big robbery at Jebson City."

"That so?" Mason said. "I went through Jebson City an hour ago and everything seemed quiet."

"Where you been since then?"

"I stopped at a little service station and restaurant for breakfast."

"Let's take a look at your driving license."

Mason handed it to him.

The man started to return it, then looked at it again. "Say," he said, "you're Perry Mason, the big criminal lawyer!"

"Not a criminal lawyer," Mason said patiently, "a trial lawyer. I sometimes defend men who are accused of crime."

"What are you doing up in this country?"

"Going fishing."

The deputy looked at him suspiciously. "Why aren't you wearing your fishing clothes?"

"Because," Mason said, and smiled, "I'm not fishing."

"You said you were going fishing."

"I also intend," Mason said, "to go to bed tonight. According to you, I should be wearing my pajamas."

The deputy frowned. The traffic officer laughed and waved Mason on.

The deputy nodded at the departing car. "Looks like a live clue to me," he said, "but I can't find it in that conversation."

"There isn't any," the traffic officer said.

The deputy remained dubious, and later on, when a news-hungry reporter from the local paper asked the deputy if he knew of anything that would make a good story, the deputy said that he did.

And that was why Della Street, Perry Mason's confidential secretary, was surprised to read stories in the metropolitan papers stating that Perry Mason, the noted trial lawyer, was rumored to have been retained to represent the person or persons who had looted the vault of the Jebson Commercial

Company. All this had been arranged, it would seem, before Mason's "client" had even been apprehended.

WHEN Perry Mason called his office by long-distance the next afternoon, Della said, "I thought you were going to the mountains for a vacation."

"That's right. Why?"

"The papers claim you're representing whoever robbed the Jebson Commercial Company."

"First I've heard of it," Mason said. "I went through Jebson City before they discovered the robbery, stopped for breakfast a little farther on, and then got caught in a roadblock. In the eyes of some officious deputy, that seems to have made me an accessory after the fact."

"Well," Della Street said, "they've caught a man by the name of Harvey L. Corbin, and apparently have quite a case against him. They're hinting at mysterious evidence which won't be disclosed until the time of trial."

"Was he the one who committed the crime?" Mason asked.

"The police think so. He had a criminal record. When his employers at Jebson City found out about it, they told him to leave town. That was the evening before the robbery."

"Just like that, eh?" Mason asked.

"Well, you see, Jebson City is a one-industry town, and the company owns all the houses. They're leased to the employees. I understand Corbin's wife and daughter were told they could stay on until Corbin got located in a new place, but Corbin was told to leave town at once. You aren't interested, are you?"

"Not in the least," Mason said, "except that when I drive back I'll be going through Jebson City, and I'll probably stop to pick up the local gossip."

"Don't do it," she warned. "This man Corbin has all the earmarks of being an underdog, and you know how you feel about underdogs."

A quality in her voice made Perry suspicious. "You haven't been approached, have you, Della?"

"Well," she said, "in a way. Mrs. Corbin read in the papers that you were going to represent her husband, and she was overjoyed. It seems that she thinks her husband's implication in this is a raw deal. She hadn't known anything about his criminal record, but she loves him and is going to stand by him."

"You've talked with her?" Mason asked.

"Several times. I tried to break it to her gently. I told her it was probably nothing but a newspaper story. You see, Chief, they have Corbin dead to rights. They took some money from his wife as evidence. It was part of the loot."

"And she has nothing?"

"Nothing. Corbin left her forty dollars, and they took it all as evidence."

"I'll drive all night," he said. "Tell her I'll be back tomorrow."

"I was afraid of that," Della Street said. "Why did you have to call up? Why couldn't you have stayed up there fishing? Why did you have to stop and get your name in the papers?"

Mason laughed and hung up.

PAUL DRAKE, of the Drake Detective Agency, came in and sat in the big chair in Mason's office and said, "You have a bear by the tail, Perry."

"What's the matter, Paul? Didn't your detective work in Jebson City pan out?"

"It panned out all right, but the stuff in the pan isn't what you want, Perry," Drake explained.

"How come?"

"Your client's guilty."

"Go on," Mason said.

"The money he gave his wife was some of what was stolen from the vault."

"How do they know it was the stolen money?" Mason asked.

Drake pulled a notebook from his pocket. "Here's the whole picture. The plant manager runs Jebson City. There isn't any private property. The Jebson company controls everything."

"Not a single small business?"

Drake shook his head. "Not unless you want to consider garbage collecting as small business. An old coot by the name of George Addey lives five miles down the canyon: he has a hog ranch and collects the garbage. He's supposed to have the first nickel he ever earned. Buries his money in cans. There's no bank nearer than Ivanhoe City."

"What about the burglary? The men who did it must have moved in acetylene tanks and—"

"They took them right out of the company store," Drake said. And then he went on: "Munson, the watchman, likes to take a pull out of a flask of whisky along about midnight. He says it keeps him awake. Of course, he's not supposed to do it, and no one was supposed to know about the whisky, but someone did know about it. They doped the whisky with a barbiturate. The watchman took his usual swig, went to sleep, and stayed asleep."

"What's the evidence against Corbin?" Mason asked.

"Corbin had a previous burglary record. It's a policy of the company not to hire anyone with a criminal record. Corbin lied about his past and got a job. Frank Bernal, the manager, found out about it, sent for Corbin about eight o'clock the night the burglary took place, and ordered him out of town. Bernal agreed to let Corbin's wife and child stay on in the house until Corbin could get located in another city.

"Corbin pulled out in the morning, and gave his wife this money. It was part of the money from the burglary."

"How do they know?" Mason asked.

"Now there's something I don't know," Drake said. "This fellow Bernal is pretty smart, and the story is that he can prove Corbin's money was from the vault.

"The nearest bank is at Ivanhoe City, and the mine pays off in cash twice a month. Ralph Nesbitt, the cashier, wanted to install a new vault. Bernal refused to okay the expense. So the company has ordered both Bernal and Nesbitt back to its main office at Chicago to report. The rumor is that they may fire Bernal as manager and give Nesbitt the job. A couple of the directors don't like Bernal, and this thing has given them their chance. They dug out a report Nesbitt had made showing the vault was a pushover. Bernal didn't act on that report." He sighed and then asked, "When's the trial, Perry?"

"The preliminary hearing is set for Friday morning. I'll see then what they've got against Corbin."

"They're laying for you up there," Paul Drake warned. "Better watch out, Perry. That district attorney has something up his sleeve, some sort of surprise that's going to knock you for a loop."

IN SPITE of his long experience as a prosecutor, Vernon Flasher, the district attorney of Ivanhoe County, showed a certain nervousness at being called upon to oppose Perry Mason. There was, however, a secretive assurance underneath that nervousness.

Judge Haswell, realizing that the eyes of the community were upon him, adhered to legal technicalities to the point of being pompous both in rulings and mannerisms.

But what irritated Perry Mason was in the attitude of the spectators. He sensed that they did not regard him as an attorney trying to safeguard the interests of a client, but as a legal magician with a cloven hoof. The looting of the vault had shocked the community, and there was a tight-lipped determination that no legal tricks were going to do Mason any good *this* time.

Vernon Flasher didn't try to save his surprise evidence for a whirlwind finish. He used it right at the start of the case.

Frank Bernal, called as a witness, described the location of the vault, identified photographs, and then leaned back as the

district attorney said abruptly, "You had reason to believe this vault was obsolete?"

"Yes, sir."

"It had been pointed out to you by one of your fellow employees, Mr. Ralph Nesbitt?"

"Yes, sir."

"And what did you do about it?"

"Are you," Mason asked in some surprise, "trying to cross-examine your own witness?"

"Just let him answer the question, and you'll see," Flasher replied grimly.

"Go right ahead and answer," Mason said to the witness.

Bernal assumed a more comfortable position. "I did three things," he said, "to safeguard the payrolls and to avoid the expense of tearing out the old vault and installing a new vault in its place."

"What were those three things?"

"I employed a special night watchman; I installed the best burglar alarm money could buy; and I made arrangements with the Ivanhoe National Bank, where we have our payrolls made up, to list the number of each twenty-dollar bill which was a part of each payroll."

Mason suddenly sat up straight.

Flasher gave him a glance of gloating triumph. "Do you wish the court to understand, Mr. Bernal," he said smugly, "that you have the numbers of the bills in the payroll which was made up for delivery on the fifteenth?"

"Yes, sir. Not *all* of the bills, you understand. That would have taken too much time, but I have the numbers of all the twenty-dollar bills."

"And who recorded those numbers?" the prosecutor asked.

"The bank."

"And do you have that list of numbers with you?"

"I do. Yes, sir." Bernal produced a list. "I felt," he said, glancing coldly at Nesbitt, "that these precautions would be cheaper than a new vault."

"I move the list be introduced in evidence," Flasher said.

"Just a moment," Mason objected. "I have a couple of questions. You say this list is not in your handwriting, Mr. Bernal?"

"Yes, sir."

"Whose handwriting is it, do you know?" Mason asked.

"The assistant cashier of the Ivanhoe National Bank."

"Oh, all right," Flasher said. "We'll do it the hard way, if we have to. Stand down, Mr. Bernal, and I'll call the assistant cashier."

Harry Reedy, assistant cashier of the Ivanhoe Bank, had the mechanical assurance of an adding machine. He identified the list of numbers as being in his handwriting. He stated that he had listed the numbers of the twenty-dollar bills and put that list in an envelope which had been sealed and sent up with the money for the payroll.

"Cross-examine," Flasher said.

MASON studied the list. "These numbers are all in your handwriting?" he asked Reedy.

"Yes, sir."

"Did you yourself compare the numbers you wrote down with the numbers on the twenty-dollar bills?"

"No, sir. I didn't personally do that. Two assistants did that. One checked the numbers as they were read off, one as I wrote them down."

"The payrolls are for approximately a hundred thousand dollars, twice each month?"

"That's right. And ever since Mr. Bernal took charge, we have taken this means to identify payrolls. No attempt is

made to list the bills in numerical order. The serial numbers are simply read off and written down. Unless a robbery occurs, there is no need to do anything further. In the event of a robbery, we can reclassify the numbers and list the bills in numerical order."

"These numbers are in your handwriting—every number?"

"Yes, sir. More than that, you will notice that at the bottom of each page I have signed my initials."

"That's all," Mason said.

"I now offer once more to introduce this list in evidence," Flasher said.

"So ordered," Judge Haswell ruled.

"My next witness is Charles J. Oswald, the sheriff," the district attorney announced.

THE sheriff, a long, lanky man with a quiet manner, took the stand. "You're acquainted with Harvey L. Corbin, the defendant in this case?" the district attorney asked.

"I am."

"Are you acquainted with his wife?"

"Yes, sir."

"Now, on the morning of the fifteenth of this month, the morning of the robbery at the Jebson Commercial Company, did you have any conversation with Mrs. Corbin?"

"I did. Yes, sir."

"Did you ask her about her husband's activities the night before?"

"Just a moment," Mason said. "I object to this on the ground that any conversation the sheriff had with Mrs. Corbin is not admissible against the defendant, Corbin; furthermore, that in this state a wife cannot testify against her husband. Therefore, any statement she might make would be an indirect violation of that rule. Furthermore, I object on the ground that the question calls for hearsay."

Judge Haswell looked ponderously thoughtful, then said, "It seems to me Mr. Mason is correct."

"I'll put it this way, Mr. Sheriff," the district attorney said. "Did you, on the morning of the fifteenth, take any money from Mrs. Corbin?"

"Objected to as incompetent, irrelevant and immaterial," Mason said.

"Your Honor," Flasher said irritably, "that's the very gist of our case. We propose to show that two of the stolen twenty-dollar bills were in the possession of Mrs. Corbin."

Mason said, "Unless the prosecution can prove the bills were given Mrs. Corbin by her husband, the evidence is

inadmissible."

"That's just the point," Flasher said. "Those bills were given to her by the defendant."

"How do you know?" Mason asked.

"She told the sheriff so."

"That's hearsay," Mason snapped.

Judge Haswell fidgeted on the bench. "It seems to me we're getting into a peculiar situation here. You can't call the wife as a witness, and I don't think her statement to the sheriff is admissible."

"Well," Flasher said desperately, "in this state, Your Honor, we have a community-property law. Mrs. Corbin had this money. Since she is the wife of the defendant, it was community property. Therefore, it's partially his property."

"Well now, there," Judge Haswell said, "I think I can agree with you. You introduce the twenty-dollar bills. I'll overrule the objection made by the defense."

"Produce the twenty-dollar bills, Sheriff," Flasher said triumphantly.

The bills were produced and received in evidence.

"Cross-examine," Flasher said curtly.

"No questions of this witness," Mason said, "but I have a few questions to ask Mr. Bernal on cross-examination. You took him off the stand to lay the foundation for introducing the bank list, and I didn't have an opportunity to cross-examine him."

"I beg your pardon," Flasher said. "Resume the stand, Mr. Bernal."

His tone, now that he had the twenty-dollar bills safely introduced in evidence, had a gloating note to it.

Mason said, "This list which has been introduced in evidence is on the stationery of the Ivanhoe National Bank?"

"That's right. Yes, sir."

"It consists of several pages, and at the end there is the signature of the assistant cashier?"

"Yes, sir."

"And each page is initialed by the assistant cashier?"

"Yes, sir."

"This was the scheme which you thought of in order to safeguard the company against a payroll robbery?"

"Not to safeguard the company against a payroll robbery, Mr. Mason, but to assist us in recovering the money in the event there was a holdup."

"This was your plan to answer Mr. Nesbitt's objections that the vault was an outmoded model?"

"A part of my plan, yes. I may say that Mr. Nesbitt's objections had never been voiced until I took office. I felt he was trying to embarrass me by making my administration show less net returns than expected." Bernal tightened his lips and added, "Mr. Nesbitt had, I believe, been expecting to be appointed manager. He was disappointed. I believe he still expects to be manager."

In the spectators' section of the courtroom, Ralph Nesbitt glared at Bernal.

"You had a conversation with the defendant on the night of the fourteenth?" Mason asked Bernal.

"I did. Yes, sir."

"You told him that for reasons which you deemed sufficient you were discharging him immediately and wanted him to leave the premises at once?"

"Yes, sir. I did."

"And you paid him his wages in cash?"

"Mr. Nesbitt paid him in my presence, with money he took from the petty-cash drawer of the vault."

"Now, as part of the wages due him, wasn't Corbin given these two twenty-dollar bills which have been introduced in evidence?"

Bernal shook his head. "I had thought of that," he said, "but it would have been impossible. Those bills weren't available to us at that time. The payroll is received from the bank in a sealed package. Those two twenty-dollar bills were in that package."

"And the list of the numbers of the twenty-dollar bills?"

"That's in a sealed envelope. The money is placed in the vault. I lock the list of numbers in my desk."

"Are you prepared to swear that neither you nor Mr. Nesbitt had access to these two twenty-dollar bills on the night of the fourteenth?"

"That is correct."

"That's all," Mason said. "No further cross-examination."

"I now call Ralph Nesbitt to the stand," District Attorney Flasher said. "I want to fix the time of these events definitely, Your Honor."

"Very well," Judge Haswell said. "Mr. Nesbitt, come forward."

Ralph Nesbitt, after answering the usual preliminary questions, sat down in the witness chair.

"Were you present at a conversation which took place between the defendant, Harvey L. Corbin, and Frank Bernal on the fourteenth of this month?" the district attorney asked.

"I was. Yes, sir."

"What time did that conversation take place?"

"About eight o'clock in the evening."

"And, without going into the details of that conversation, I will ask you if the general effect of it was that the defendant was discharged and ordered to leave the company's property?"

"Yes, sir."

"And he was paid the money that was due him?"

"In cash. Yes, sir. I took the cash from the safe myself."

"Where was the payroll then?"

"In the sealed package in a compartment in the safe. As cashier, I had the only key to that compartment. Earlier in the afternoon I had gone to Ivanhoe City and received the sealed package of money and the envelope containing the list of numbers. I personally locked the package of money in the vault."

"And the list of numbers?"

"Mr. Bernal locked that in his desk."

"Cross-examine," Flasher said.

"No questions," Mason said.

"That's our case, Your Honor," Flasher observed.

"May we have a few minutes indulgence?" Mason asked Judge Haswell.

"Very well. Make it brief," the judge agreed.

Mason turned to Paul Drake and Della Street. "Well, there you are," Drake said. "You're confronted with the proof, Perry."

"Are you going to put the defendant on the stand?" Della Street asked.

Mason shook his head. "It would be suicidal. He has a record of a prior criminal conviction. Also, it's a rule of law that if one asks about any part of a conversation on direct examination, the other side can bring out all the conversation. That conversation, when Corbin was discharged, was to the effect that he had lied about his past record. And I guess there's no question that he did."

"And he's lying now," Drake said. "This is one case where you're licked. I think you'd better cop a plea, and see what kind of a deal you can make with Flasher."

"Probably not any," Mason said. "Flasher wants to have the reputation of having given me a licking—wait a minute, Paul. I have an idea."

Mason turned abruptly, walked away to where he could stand by himself, his back to the crowded courtroom.

"Are you ready?" the judge asked.

Mason turned. "I am quite ready, Your Honor. I have one witness whom I wish to put on the stand. I wish a subpoena *duces tecum* issued for that witness. I want him to bring certain documents which are in his possession."

"Who is the witness, and what are the documents?" the judge asked.

Mason walked quickly over to Paul Drake. "What's the name of that character who has the garbage-collecting business," he said softly, "the one who has the first nickel he'd ever made?"

"George Addey."

The lawyer turned to the judge. "The witness that I want is George Addey, and the documents that I want him to bring to court with him are all of the twenty-dollar bills that he has received during the past sixty days."

"Your Honor," Flasher protested, "this is an outrage. This is making a travesty out of justice. It is exposing the court to ridicule."

Mason said, "I give Your Honor my assurance that I think this witness is material, and that the documents are material. I will make an affidavit to that effect if necessary. As attorney for the defendant, may I point out that if the court refuses to grant this subpoena, it will be denying the defendant due process of law."

"I'm going to issue the subpoena," Judge Haswell said, testily, "and for your own good, Mr. Mason, the testimony had better be relevant."

GEORGE ADDEY, unshaven and bristling with indignation, held up his right hand to be sworn. He glared at Perry Mason.

"Mr. Addey," Mason said, "you have the contract to collect garbage from Jebson City?"

"I do."

"How long have you been collecting garbage there?"

"For over five years, and I want to tell you—"

Judge Haswell banged his gavel. "The witness will answer questions and not interpolate any comments."

"I'll interpolate anything I dang please," Addey said.

"That'll do," the judge said. "Do you wish to be jailed for contempt of court, Mr. Addey?"

"I don't want to go to jail, but I—"

"Then you'll remember the respect that is due the court," the judge said. "Now you sit there and answer questions. This is a court of law. You're in this court as a citizen, and

I'm here as a judge, and I propose to see that the respect due to the court is enforced." There was a moment's silence while the judge glared angrily at the witness. "All right, go ahead, Mr. Mason," Judge Haswell said.

Mason said, "During the thirty days prior to the fifteenth of this month, did you deposit any money in any banking institution?"

"I did not."

"Do you have with you all the twenty-dollar bills that you received during the last sixty days?"

"I have, and I think making me bring them here is just like inviting some crook to come and rob me and—"

Judge Haswell banged with his gavel. "Any more comments of that sort from the witness and there will be a sentence imposed for contempt of court. Now you get out those twenty-dollar bills, Mr. Addey, and put them right up here on the clerk's desk."

Addey, mumbling under his breath, slammed a roll of twenty-dollar bills down on the desk in front of the clerk.

"Now," Mason said, "I'm going to need a little clerical assistance. I would like to have my secretary, Miss Street, and the clerk help me check through the numbers on these bills. I will select a few at random."

Mason picked up three of the twenty-dollar bills and said, "I am going to ask my assistants to check the list of numbers

introduced in evidence. In my hand is a twenty-dollar bill that has the number L 07083274 A. Is that bill on the list? The next bill that I pick up is number L 02327010 A. Here's another one, number L 07579190 A. Are any of those bills on the list?"

THE courtroom was silent. Suddenly, Della Street said, "Yes, here's one that's on the list—bill number L 07579190 A. It's on the list, on page eight."

"What?" the prosecutor shouted.

"Exactly," Mason said, smiling. "So, if a case is to be made against a person merely because he has possession of the money that was stolen on the fifteenth of this month, then your office should prefer charges against this witness, George Addey, Mr. District Attorney."

Addey jumped from the witness stand and shook his fist in Mason's face. "You're a cockeyed liar!" he screamed. "There ain't a one of those bills but what I didn't have it before the fifteenth. The company cashier changes my money into twenties, because I like big bills. I bury 'em in cans, and I put the date on the side of the can."

"Here's the list," Mason said. "Check it for yourself."

A tense silence gripped the courtroom as the judge and the spectators waited.

"I'm afraid I don't understand this, Mr. Mason," Judge Haswell said, after a moment.

"I think it's quite simple," Mason said. "And I now suggest the court take a recess for an hour and check these other bills against this list. I think the district attorney may be surprised."

And Mason sat down and proceeded to put papers in his brief case....

Della Street, Paul Drake and Perry Mason were sitting in the lobby of the Ivanhoe Hotel.

"When are you going to tell us?" Della Street asked fiercely. "Or do we tear you limb from limb? How could the garbage man have—?"

"Wait a minute," Mason said. "I think we're about to get results. Here comes the esteemed district attorney, Vernon Flasher, and he's accompanied by Judge Haswell."

The two strode over to Mason's group and bowed with cold formality.

Mason got up.

JUDGE HASWELL began in his best courtroom voice. "A most deplorable situation has occurred. It seems that Mr. Frank Bernal has—well—"

"Been detained somewhere," Vernon Flasher said.

"Disappeared," Judge Haswell said. "He's gone."

"I expected as much," Mason said.

"Now will you kindly tell me just what sort of pressure you brought to bear on Mr. Bernal to—?"

"Just a moment, Judge," Mason said. "The only pressure I brought to bear on him was to cross-examine him."

"Did you know that there had been a mistake in the dates on those lists?"

"There was no mistake. When you find Bernal, I'm sure you will discover there was a deliberate falsification. He was short in his accounts, and he knew he was about to be demoted. He had a desperate need for a hundred thousand dollars in ready cash. He had evidently been planning this burglary, or, rather, this embezzlement, for some time. He learned that Corbin had a criminal record. He arranged to have these lists furnished by the bank. He installed a burglar alarm, and, naturally, knew how to circumvent it. He employed a watchman he knew was addicted to drink. He only needed to stage his coup at the right time. He fired Corbin and paid him off with bills that had been recorded by the bank on page eight of the list of bills *in the payroll on the first of the month.*

"Then he removed page eight from the list of bills contained in the payroll *of the fifteenth*, before he showed it to the police, and substituted page eight of the list for the *first of the month* payroll. It was that simple.

"Then he drugged the watchman's whisky, took an acetylene torch, burned through the vault doors and took all the money."

"May I ask how you knew all this?" Judge Haswell demanded.

"Certainly," Mason said. "My client told me he received those bills from Nesbitt, who took them from the petty-cash drawer in the safe. He also told the sheriff that. I happened to be the only one who believed him. It sometimes pays, Your Honor, to have faith in a man, even if he has made a previous mistake. Assuming my client was innocent, I knew either Bernal or Nesbitt must be guilty. I then realized that only Bernal had custody of the *previous* lists of numbers.

"As an employee, Bernal had been paid on the first of the month. He looked at the numbers on the twenty-dollar bills in his pay envelope and found that they had been listed on page eight of the payroll for the first.

"Bernal only needed to abstract all twenty-dollar bills from the petty-cash drawer, substitute twenty-dollar bills from his own pay envelope, call in Corbin, and fire him. His trap was set.

"I let him know I knew what had been done by bringing Addey into court and proving my point. Then I asked for a recess. That was so Bernal would have a chance to skip out. You see, flight may be received as evidence of guilt. It was a professional courtesy to the district attorney. It will help him when Bernal is arrested."

[The end of *The Case of the Irate Witness* by Erle Stanley Gardner]