

“THE WITNESS FOR THE DEFENCE.”

This tale of A. E. W. Mason is excellent reading for the young lawyer. For it illustrates how nearly failure may result from want of a minute scrutiny and study of the evidence presented, thus missing a solution which seems to be apparently quite outside its indications.

A young lawyer, Thresk, falls in love—no unusual thing—but leaves his inamorata, Stella, without speaking his mind because his career was still to make. Years after, as a successful K. C., he had gone to India as counsel for an old firm there in an important trial. He won it for them, and then, having a few days to spare, he remained to visit some friends. There he heard of his long ago love, married to a brute, and decides to go and see her. He does so and finds the reality worse than his informant pictured. The husband, Ballantyne, who is British Resident in a Principality, is a drunkard, and, at the moment, is in camp with his wife on his annual tour of the State. He had by his cruel baiting and sarcasm reduced his wife to a state of terror. After a scene at dinner he is able to see the horror of the wife's situation. After she has left the table, Ballantyne, who had been drinking hard, “sees snakes” as Thresk believes, but later he discovers that Ballantyne is in desperate fear of assassination on account of his possession of the photograph of a well known criminal and agitator. This man, Salak, is, in the photograph, shown among his gang, all of whom were serving sentences for burglary with violence. The photograph if put in evidence against Salak, who was awaiting his trial, meant his condemnation. An attempt to secure this photograph was made that very evening and the “snakes” turn out to be the moving hand of a native in his quest for the photograph. Ballantyne finally persuades Thresk to take it with him so as to rid him of his deadly fear. Just before Thresk goes to the railway station, he sees Stella and hears some things regarding her treatment that wake his old time memories and he tells her he had never married on account of his love for her. Just at that moment Ballantyne comes back and Thresk seeking about for an excuse for a further word with Stella, puts his pipe on the table and goes out with Ballantyne. Thresk goes out to mount his camel, misses his pipe and rushes back and

sees Stella with a rook rifle in her hands. Ballantyne returns too and he sees it also.

Thresk next morning hears that Ballantyne is dead, shot by a rifle bullet and hears from Stella's friends of Ballantyne's attempt years ago to strangle his wife.

Stella is arrested and tried. Thresk gives evidence and details what he saw and heard of the relations between her and her husband, but is not asked if he saw her again after he had left the tent to mount his camel. He also relates the incident he witnessed of an attempt to secure the photograph and leaves the impression that the marauder had returned and shot Ballantyne in attempting to get it. Stella is acquitted.

Years afterwards she reappears in Scotland and Thresk meets her. She becomes engaged to be married to a young soldier. The story of her trial and acquittal become known and cause great anxiety to the young soldier and his father. The latter consults his friend, a very old experienced solicitor. He knows that Thresk was a "witness for the defence" at the trial and after going over the evidence, as given in the pages of the "Times," decides to interview him to settle his doubts due to the fact that Ballantyne's body had been dragged some distance out of the tent. Why should the thief have taken the time to do this instead of getting away unseen? Thresk agrees to see the solicitor and is subjected to what amounts to a cross-examination. The defence foreshadowed by Stella's counsel was that Stella had shot him in the tent in self-defence. Thresk, however, finally satisfies the solicitor that she might in a frenzy have had strength enough to drag the body outside. But feeling that he has suppressed the truth a second time and that the situation involves not only Stella but her intended husband he pleads with her to tell him. She finally does so, and is forgiven. The young soldier had also read the evidence and knew what she had to tell and was conscious that she had tried to tell him on more than one occasion, but knowing the truth he had refused to listen.

The interest from a lawyer's point of view is that Thresk escaped on one occasion from lack of imagination on the part of the prosecution, and the second time from his ability to offer to a suspicious mind a plausible explanation. He was a K.C. of course, but what if counsel at the trial, or the friendly solicitor, had only known where he had left his pipe?