CHAPTER XII

THRESK GIVES EVIDENCE

THRESK's fears were justified. Sympathy for Stella Ballantyne had already begun to wane. The fact that Ballantyne had been found outside the door of the tent was already assuming a sinister importance. Mrs. Ballantyne's counsel slid discreetly over that awkward incident. Very fortunately, as it was now to prove, he did not cross-examine the doctor from Ajmere at all. But there are always the few who oppose the general opinion—the men and women who are in the minority because it is the minority; those whom the hysterical glorification of Stella Ballantyne had offended; the austere, the pedantic, the just, the jealous, all were quick to seize upon this disconcerting fact: Stella Ballantyne had dragged her dying husband from the tent. It was either sheer callousness or blind fury—you might take your choice. In either case it dulled the glow of martyrdom which for a week or two had been so radiant upon Stella Ballantyne's forehead; and the few who argued thus attracted adherents daily. And with the sympathy for

Stella Ballantyne interest in the case began to wane too.

The magisterial inquiry threatened to become tedious. The pictures of the witnesses and the principals occupied less and less space in the newspapers. In another week the case would be coldly left with a shrug of the shoulders to the Law Courts. But unexpectedly curiosity was stirred again, for the day after Thresk had called upon the lawyer, when the case for the Crown was at an end, Mrs. Ballantyne's counsel, Mr. Travers, asked permission to recall Baram Singh. Permission was granted, and Baram Singh once more took his place in the witness-box.

Mr. Travers leant against the desk behind him and put his questions with the most significant slowness.

"I wish to ask you, Baram Singh," he said, "about the dinner-table on the Thursday night. You laid it?"

"Yes," replied Baram Singh.

"For how many?"

"For three."

There was a movement through the whole court.

"Yes," said Mr. Travers, "Captain Ballantyne had a visitor that night."

Baram Singh agreed.

"Look round the court and tell the magistrate if you can see here the man who dined with Captain Ballantyne and his wife that night."

For a moment the court was filled with the noise

of murmuring. The usher cried "Silence!" and the murmuring ceased. A hush of expectation filled that crowded room as Baram Singh's eyes travelled slowly round the walls. He dropped them to the well of the court, and even his unexpressive face flashed with a look of recognition.

"There," he cried, "there!" and he pointed to a man who was sitting just underneath the counsel's bench.

Mr. Travers leant forward and in a quiet but particularly clear voice said:

"Will you kindly stand up, Mr. Thresk?"

Thresk stood up. To many of those present—the idlers, the people of fashion, the seekers after a thrill of excitement who fill the public galleries and law-courts—his long conduct of the great Carruthers trial had made him a familiar figure. To the others his name, at all events, was known, and as he stood up on the floor of the court a swift and regular movement like a ripple of water passed through the throng. They leant forward to get a clearer view of him and for a moment there was a hiss of excited whispering.

"That is the man who dined with Captain and Mrs. Ballantyne on the night when Captain Ballantyne was killed?" said Mr. Travers.

"Yes," replied Baram Singh.

No one understood what was coming. People began to ask themselves whether Thresk was concerned in the murder. Word had been published that he had already left for England. How was it he was here now? Mr. Travers, for his part, was

enjoying to the full the suspense which his question had aroused. Not by any intonation did he allow a hint to escape him whether he looked upon Thresk as an enemy or friend.

"You may sit down, sir, now," he said, and Thresk resumed his seat.

"Will you tell us what you know of Mr. Thresk's visit to the Captain?" Travers resumed, and Baram Singh told how a camel had been sent to the dâk-house by the station of Jarwhal Junction.

"Yes," said Mr. Travers, "and he dined in the tent. How long did he stay?"

"He left the camp at eleven o'clock on the camel to catch the night train to Bombay. The Captain-sahib saw him off from the edge of the camp."

"Ah," said Mr. Travers, "Captain Ballantyne saw him off?"

"Yes—from the edge of the camp."

"And then went back to the tent?"

"Yes."

"Now I want to take you to another point. You waited at dinner?"

"Yes."

"And towards the close of dinner Mrs. Ballantyne left the room?"

"Yes."

"She did not come back again?"

"No."

"No. The two men were then left alone?"

"Yes."

"After dinner was the table cleared?"

"Yes," said Baram Singh, "the Captain-sahib called to me to clear the table quickly."

"Yes," said Travers. "Now, will you tell me what the Captain-sahib was doing while you were clearing the table?"

Baram Singh reflected.

"First of all the Captain-sahib offered a box of cheroots to his visitor, and his visitor refused and took a pipe from his pocket. The Captain-sahib then lit a cheroot for himself and replaced the box on the top of the bureau."

"And after that?" asked Travers.

"After that," said Baram Singh, "he stooped down, unlocked the bottom drawer of his bureau and then turned sharply to me and told me to hurry and get out."

"And that order you obeyed?"

"Yes."

"Now, Baram Singh, did you enter the room again?"

Baram Singh explained that after he had gone out with the table-cloth he returned in a few moments with an ash-tray, which he placed beside the visitor-sahib.

"Yes," said Travers. "Had Captain Ballantyne altered his position?"

Baram Singh then related that Captain Ballantyne was still sitting in his chair by the bureau, but that the drawer of the bureau was now open, and that on the ground close to Captain Ballantyne's feet there was a red despatch-box.

"The Captain-sahib," he continued, "turned

to me with great anger, and drove me again out of the room."

"Thank you," said Mr. Travers, and he sat down.

The prosecuting counsel rose at once.

"Now, Baram Singh," he said with severity, "why did you not mention when you were first put in the witness-box that this gentleman was present in the camp that night?"

"I was not asked."

"No, that is quite true," he continued, "you were not asked specifically, but you were asked to tell all that you knew."

"I did not interfere," replied Baram Singh. "I answered what questions were asked. Besides, when the sahib left the camp the Captain-sahib was alive."

At this moment Mr. Travers leaned across to the prosecuting counsel and said: "It will all be made clear when Mr. Thresk goes into the box."

And once more, as Mr. Travers spoke these words, a rustle of expectancy ran round the court.

Travers opened the case for the defence on the following morning. He had been originally instructed, he declared, to reserve the defence for the actual trial before the jury, but upon his own urgent advice that plan was not to be followed. The case which he had to put before the stipendiary must so infallibly prove that Mrs. Ballantyne was free from all complicity in this crime that he felt he would not be doing his duty to her unless he made it public at the first opportunity. That

unhappy lady had already, as every one who had paid even the most careless attention to the facts that had been presented by the prosecution must know, suffered so much distress and sorrow in the course of her married life that he felt it would not be fair to add to it the strain and suspense which even the most innocent must suffer when sent for trial upon such a serious charge. He at once proposed to call Mr. Thresk, and Thresk rose and went into the witness-box.

Thresk told the story of that dinner-party word for word as it had occurred, laying some emphasis on the terror which from time to time had taken possession of Stephen Ballantyne, down to the moment when Baram Singh had brought the ash-tray and left the two men together, Thresk sitting by the table in the middle of the room and Ballantyne at his bureau with the despatch-box on the floor at his feet.

"Then I noticed an extraordinary look of fear disfigure his face," he continued, "and following the direction of his eyes I saw a lean brown arm with a thin hand as delicate as a woman's wriggle forward from beneath the wall of the tent towards the despatch-box."

"You saw that quite clearly?" asked Mr. Travers.

"The tent was not very brightly lit," Thresk explained. "At the first glance I saw something moving. I was inclined to believe it a snake and to account in that way for Captain Ballantyne's fear and the sudden rigidity of his attitude. But

I looked again and I was then quite sure that it was an arm and hand."

The evidence roused those present to such a tension of excitement and to so loud a burst of murmuring that it was quite a minute before order was restored and Thresk took up his tale again. He described Ballantyne's search for the thief.

"And what were you doing," Mr. Travers asked, "whilst the search was being made?"

"I stood by the table holding the despatch-box firmly in my hands as Ballantyne had urgently asked me to do."

"Quite so," said Mr. Travers; and the attention of the court was now directed to that despatch-box and the portrait of Bahadur Salak which it contained. The history of the photograph, its importance at this moment when Salak's trial impended, and Ballantyne's conviction of the extreme danger which its possessor ran—a conviction established by the bold attempt to steal it made under their very eyes—was laid before the stipendiary. He sent the case to trial as he was bound to do, but the verdict in most people's eyes was a foregone conclusion. Thresk had supplied a story which accounted for the crime, and cross-examination could not shake him. It was easy to believe that at the very moment when Thresk was saying goodbye to Captain Ballantyne by the fire on the edge of the camp the thief slipped into the marquee, and when discovered by Ballantyne either on his return or later, shot

him with Mrs. Ballantyne's rifle. It was clear that no conviction could be obtained while this story held the field and in due course Mrs. Ballantyne was acquitted. Of Thresk's return to the tent just before leaving the camp nothing was said. Thresk himself did not mention it and the counsel for the Crown had no hint which could help him to elicit it.

Thus the case ended. The popular heroine of a criminal trial loses, as all observers will have noticed, her crown of romance the moment she is set free; and that good fortune awaited Stella Ballantyne. Thresk called the next day upon Jane Repton and was coldly told that Stella had already gone from Bombay. He betook himself to her solicitor, who was cordial but uncommunicative. The Reptons, it appeared, were responsible to him for the conduct of the case. He had not any knowledge of Stella Ballantyne's destination, and he pointed to a stack of telegrams and letters as confirmation of his words.

"They will all go up to Khamballa Hill," he said. "I have no other address."

The next day, however, a little note of gratitude came to Thresk through the post. It was unsigned and without any address. But it was in Stella Ballantyne's handwriting and the post-mark was Kurrachee. That she did not wish to see him he could quite understand; Kurrachee was a port from which ships sailed to many destinations; he could hardly set out in a blind search for her

across the world. So here, it seemed, was that chapter closed. He took the next steamer westwards from Bombay, landed at Brindisi and went back to his work in the Law Courts and in Parliament.