

# The Flaw in the Evidence

By ROSLYN ROBINSON



The Pure  
Article in its  
most digestible form.

## Van Houten's cocoa

"A Perfect Beverage.  
capable of ready assimilation  
and digestion."  
Medical Annual

A Cocoa you can enjoy.

**I** REMEMBER two hotter nights." Ramsey mopped his forehead poured out a tall glass of cold lemonade from a monster pannikin sweating drops of dew and emptied it without drawing a breath.

Brassey was standing directly in front of the electric fan running his fingers through a sticky mass of tousled hair to dry out the perspiration.

Mr Brassey's cards read, "Eugene Brassey, attorney and counsellor at law," whereas his companion was plain "Richard Ramsey, broker," but from appearances he was forging along toward fortune at a more rapid gait than his legal friend—due perhaps to the wise advice and caution of the lawyer—and so the broker was able to maintain a cottage by the sea, where the two spent the vacation season in peace and comfort.

Bachelors both, their comfort was insured by a negro who acted in the capacity of cook, valet, and general utility man. He had no equal as a concocter of cooling beverages, and he managed things so smoothly that the pair had no troubles, and smoked and dreamed the hours away in a cozy corner overlooking the ocean. Everything suggested coolness—straw matting, wicker furnishings even to huge pictures of scenes in the polar regions, and an unending sweating pitcher of something cold in the way of an appetiser. It was hot on this particular night. The swishing surf radiated heat, and the rays of the moon were bad for the complexion without a sunshade.

"The first one," went on Ramsey, "was the eve of the Penniford trial."

"Speaking of Penniford, here's a bit of news."

Brassey took a folded newspaper from his pocket, and, shaking it out, adjusted his eyeglasses to read:

"Penniford—Raymond. Died at Florence, Italy, on the 15th ult., Raymond Penniford, aged 35 years, formerly a resident of Peekskill, N.Y."

"The last act in a tragedy connecting three lives," mused Ramsey.

Brassey looked up at him critically.

"Hardly that, do you think? You were present at his trial for the murder of Percival Waring, and, of course, you know that Penniford merely protected his wife's honour. That was all the evidence. A matter of duty never is a tragedy."

Ramsey waited to gather his thoughts. "You remember Thyrsa Carden, his wife, she was, Thyrsa Carden? Somehow I always think of her by that name."

The other nodded.

"I just can remember her as present at the trial of her husband," Ramsey proceeded. "Well, I knew her intimately from early childhood. I did not know Penniford at all—no one ever did, I think—though he honoured me with as much of his friendship as he ever gave anyone. I learned more about him after he had left us, and what I did learn gave me an insight into the soul of man—A MAN, Brassey."

Ramsey sat up straight on the edge of his chair with sparkling eyes.

"He should have lived in the age of chivalry...when men's heroic deeds counted for something as inspirations to their fellows. His life among us was wasted. The present time does not deserve such a man."

He fell back idolently into his "sleepy hollow" and went on:

"As I was saying, I knew Thyrsa Carden well, intimately. Her character and disposition were like an open book to me—to all of us fellows, her schoolmates. Brassey, that girl was gentle as a dove, timid as a fawn. We all loved her in childhood, and, when she laddered into lovely womanhood, we worshipped her. I loved her ardently, with all my young

heart, and, in my simplicity, I fancied I could win her. She loved all of us, no one more than another, and, when we spoke of love, because we could not help it, her sweet eyes filled with tears as she told us that we were her dearest friends but never could be anything else. I am true to her to-day, Brassey. No other woman ever can come between us. I promised her that day we laid her in the ground. Why, I plant flowers on her grave every year when her anniversary comes around. It is childish and sentimental, I know, but the memory of her is too sweet to be blotted out.

"I also knew Percival Waring well—we had all grown up together. His was a weak, wabby disposition, blindly perverse when it came to doing the wrong thing, and so obstinate that, when he had set his mind on anything, he did not scruple to get it by fair or foul means. The rest of us were 'down on him' as boys call it, and he generally was the butt for our boyish pranks. I have said that Thyrsa treated us all alike, but I sometimes fancied her eyes were softer when she talked to him, but—well, Percival was not a man to inspire jealousy—Thyrsa may have pitied him—women are so gentle with the weak, you know.

"Imagine our indignation when a rank outsider came along and carried off the prize and we helpless to interfere. She wanted him and that was enough for us; we gave in to her as we had always done. He was an Othello without the jealousy, this Raymond Penniford. He had been the hero in many battles—real ones—and this perhaps was a powerful influence—it must have been—girls dearly love heroes. But they made a magnificent couple, he with his martial bearing, she with her gentle, tender, clinging nature—the oak and the ivy. In time we became proud of them. Of course, the martial tie was a bar to any further demonstrations of affection on our part, the husband's fire and dash, and the strong grip of his sword hand warning off poachers on his preserves. All but Waring, who could not keep away from Thyrsa. Where Thyrsa was there also was Waring. Penniford never let on, treating us all with equal cordiality, though he must have known how much we had once loved his beautiful wife; but Thyrsa was above suspicion.

Ramsey stopped and closed his eyes in meditation. When he looked up, after a few moments, his thoughts had turned into another groove.

"Brassey, you defended Penniford and know all the facts in the case, eh?"

Brassey ruffled up at this imputation upon his professional sense.

"It is a lawyer's business to know all the facts in every case he tries," Ramsey laughed.

"But you didn't know them all in this case."

Brassey ruffled up again.

"Pray, what do you mean? Did I omit anything?"

Ramsey surveyed him quizzically.

"You certainly did. You did not have the key to the case."

He raised his hand to stop an angry protest.

"No use flaring up. You did not have it and you did not know there was one—one that would have knocked your defence completely. Listen. You know that Penniford had a brace of pistols of exquisite workmanship, both exactly alike, and that he always carried them on his person?"

Brassey admitted it.

"Of course I knew that. I saw them and handled them many times before the—the 'tragedy,' as you call it. What of it? We had the one that carried death to Waring in evidence."

Ramsey laughed again, loudly this time.

"Where was the other one? Why was it not produced, O, wise and sagacious limb of the law? Did you ask Penniford? Did you know what became of it, or did you know what an important part it would have played in that trial?"

Brassey certainly was nettled, showing it in his impatient answer.

"No, and I do not care what became of it, I would not have cared if I had thought of it during the trial, which I certainly did not. It was unimportant."

Ramsey struggled out of the depths of his chair and began pacing back and forth excitedly.

"Brassey, that missing pistol was the one important piece of evidence in the case. Its absence was the flaw in the evidence, enough to send an innocent man to execution. It might have been the cause of a judicial murder. I thought of calling your attention to it at the time, and I would have done so if Penniford had stood in the slightest shadow of danger. Mind, I did not know then what I know now—what I since have learned. Brassey, the bullet from the pistol you had in evidence did not kill Percival Waring; it was the shot from the missing one."

Brassey smiled sarcastically.

"Again I say, what of it? Why quibble about pistols? Whether it was one or the other is of no consequence. It is the fact, the corpus delicti, and so on."

Brassey swelled up like a law lecturer delivering ponderous information to shrinking students. His professional pride was hurt and he did not relish law pointers from the broker, but personal friendship was unaffected, Ramsey suspended his promenade to stand before his friend.

"Thereby hangs a tale," he quoted, dropping into his easy chair to stare out into the darkness before proceeding farther.

"As you say, I was present at the trial, but I heard things on the side that you did not and which you could not have suspected. They came from the incoherent babblings uttered by Thyrsa in her hysterical attacks in the judge's room where I carried her unconscious, and on the way home, a dazed and frantic woman. I can tell you how near you might have come to hanging your client, an innocent man. Public opinion, that dangerous influence in a court of justice, was with you, and it acquitted him. Otherwise the evidence would have damned him."

Brassey shuddered.

"Tell me all about it," he said, his voice breaking a little. "If I made so grave a mistake as that I ought to know. We lawyers are not infallible."

Ramsey eyed him compassionately, his friend's sudden humility stirring him.

"You shall know all, my friend. I learned the whole truth during the other of the two hotter nights than this I mentioned a while ago. Penniford's death opens the way to divulge what I have kept secret. I thought of the other pistol during the trial and mentioned it to Thyrsa, who was sitting beside me. She nodded faintly, but what happened immediately afterward drove it out of my head and I did not think of the cursed other pistol until it was too late, and what I learned since has kept my mouth closed.

"Penniford just then was testifying before the jury, and was saying: 'That pistol, gentlemen, contains an empty shell. It was my hand that sped it; bullet on its way through a villain's heart.'

"With a wild scream Thyrsa sprang



My Favourite Summer Beverage is

## 'Montserrat' Lime Juice.

I drink it because it is cooling, refreshing and invigorating, and because I know it is good for me.

"MONTERRAT" Lime Juice is always fresh and pleasant to the taste, mixed with plain or aerated water, it makes a cooling, refreshing, healthful drink.

Insist on the genuine "MONTERRAT."