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THE  
PHONOGRAPH  
WITNESS.

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A DRAMA IN FIVE ACTS.

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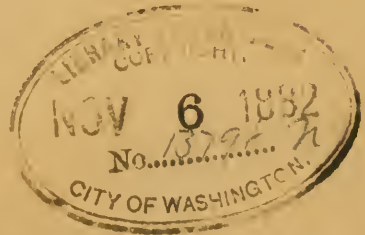
*By Geo. W. Hill*

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1883.

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# THE PHONOGRAPH WITNESS.

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*DRAMATIS PERSONÆ.*

RICHARD COURTNEY.

EDWARD LEE.

RICHARD FELLOWS.

MERTON COURTNEY.

JACK FROST.

LUTHER TENNIEL.

JIM BUCKSTONE.

THE JUDGE.

MR. SETTIMUP.

PROSECUTING ATTORNEY.

DR. SARGENT.

ATTORNEY FOR DEFENSE.

HELEN TENNIEL.

DAISY TEMPLE.

MRS. TENNIEL.

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TMP96-006404

# THE PHONOGRAPH WITNESS.

[The scene is laid in the beginning of the 20th century, affording an opportunity, if desired, to introduce the costumes of the future.]

## ACT I.

Scene the Billiard Room in Mr. Tenniel's house. Table a little to the right, not obstructing view in center back of opening into hall. One stair going up and one down. On the left of stage is a lounge or divan, a fire-place, and at extreme left front, a small ottoman. Daisy Temple and Helen Tenniel are discovered playing a game of billiards.

DAISY. That makes three games running. Pshaw! what's the use of going abroad, if you can't learn to play a better game than that? Come, swallow your pride, I'll discount you. (*Plays.*)

HELEN. Very well; I'm sorry I don't play better for your sake, Daisy. But you see, Papa did not take me abroad to learn billiards. (*Plays.*)

DAISY. No, that wasn't his game, was it dear? Well, I tell you what I should have done had I been in your shoes. I should have carried on so outrageously with some foreign titled scamp that he would have been thankful enough to bring me home to marry Edward Lee, or any other respectable American.

HELEN. There were two serious objections to that. It's your play, dear. One was, that I don't really know how to carry on, and the next that I did not meet any foreign titled scamp. (*Daisy, who has played, marks her score.*)

DAISY. No titled scamp? and you spent three months in Paris. "*Mong Diao!*" as Jack's mother says, "*Ate eel possible.*" Why, to judge by the letters of "*Our Own Correspondent,*" there is a perfect shoal of titled good-for-nothings over there, on the lookout for eligible American girls, namely, American heiresses. Play, Helen. (*Helen, who has been pensively standing, leaning on her cue, plays, striking Daisy's ball instead of her own.*)

DAISY. Oh! you simpleton. Helen, my dear, I'm alarmed for you. You are so *awfully in love.*



HELEN. And are not you, Daisy?

DAISY (*laughs*). What, I in love with Jack? Oh! you dear goose, what an idea; how could I be, when we've scarcely seen each other for years—hardly at all since Mr. Frost's death, after which they left Eldridge. And though I spend a part of every year with Mrs. Frost, you know Jack has been abroad nearly two years.

HELEN. But still you are engaged to him, dear, and—

DAISY. I'm not to blame for that. You must speak to my worthy guardian and Madam Frost about that.

HELEN. Daisy, I'm alarmed for *you*. You ought really to look at the matter seriously. If you do not love Mr. Frost, I think you ought to tell him so, and break it off at once.

DAISY. I can't. I'm not of age, and my guardian prefers me to remain engaged.

HELEN. But, Daisy, dear, I am sure Mr. Courtney would be the first to wish this broken off, if he thought you wished it.

DAISY. Don't you believe it. You know he was executor or administrator, or something, for Jack's father, and somehow the property did not turn out very well, at least there was a good deal less than was expected, and Mrs. Frost was disposed, very unjustly I suppose, to blame Mr. Courtney. So to pacify her he agreed that I should marry Jack. You see I've got money—I don't know how much, but ever so much, and he is getting himself out of the well, on my shoulders (*Straightens herself up*), so you see,—But then, as long as I'm only engaged to him, I don't care. (*Fumps up and seats herself on the billiard table.*)

HELEN. What strange—

DAISY. Don't preach any more, dear. If I were not engaged to Jack I might have fallen in love with Edward myself. How are you going to manage to see the poor fellow?

HELEN. Oh, dear! I cannot think. I must see him alone. Papa has absolutely forbidden that. I did not get a chance at the ball. Daisy, you must try to arrange it. (*Puts her arm around her and leans her head on her shoulder.*) I might see him if you were there, I suppose, and you know we should not mind you.

DAISY. Oh! No— (*Enter Mrs. Tenniel.*)

MRS. TENNIEL. Daisy, Mr. Frost is in the parlor; you must go down and see him, dear. (*Daisy pouts.*) Yes, dear, you must, and (*as Daisy is about to leave the room*) you had better ask him to remain to dinner.

DAISY. Thank you, aunt. You come, too, Helen. (*Exit. Goes down stairs at back.*)

MRS. TENNIEL. Helen, dear, I am sorry to say Edward Lee has called with Mr. Frost. It is most embarrassing, and I know your father will be very much annoyed.

HELEN. Do you and papa intend to give up Edward entirely? He can doubtless see no reason why he should not come. He used to come to this house quite freely.

MRS. TENNIEL. Yes, dear, I know; but since this foolish en-





gagement, of course,—we must not be rude to him, and you must go to the parlor; but I particularly request you will exercise the greatest discretion.

HELEN. Very well, mamma. Shall I ask Edward to remain to dinner.

MRS. TENNIEL. My dear Helen, how can you. (*Daisy, accompanied by Jack and Edward, is seen coming up the stairs at back.*)

HELEN. I see Daisy has brought the gentlemen up here. (*Mrs. Tenniel looks around. Enter Daisy, Jack, and Edward Lee.*)

DAISY. Aunt, I've brought the gentlemen up-stairs. You did not tell me Edward was there. I hope I did right.

MRS. TENNIEL (*a little stiffly*). Oh, certainly, my dear. (*Helen goes forward to greet them.*)

DAISY (*to Mrs. Tenniel*). You see, (*maliciously*) I knew you always made Edward at home here, and as long as Mr. Frost has the honor of being my intended (*turning toward them*) I thought you would want him to feel at home, too.

HELEN. Yes, indeed, Mr. Frost, you must feel quite at home here. You know Daisy regards this as her home altogether when she is in Eldridge.

DAISY. And that's most of the time.

JACK. I shall be charmed, I'm suah, to share such a charming privilege.

(*Daisy stays by Edward, moving with him to right; Mrs. Tenniel and Helen with Jack Frost to left.*)

DAISY (*aside to Edward*). Now you had better flirt desperately with me until Aunt Lizzie concludes it will be safe to leave us. You need not mind Jack. He don't care.

MRS. TENNIEL. Will you sit down, Mr. Frost? (*Seats herself on the ottoman, and motions him to sit beside her. Helen stands a moment as if in doubt.*)

DAISY (*setting the balls*). I have challenged Edward to a game with me, ladies; so you must let Mr. Frost entertain you. (*Plays, Edward turns his back to the other group and plays, Helen sits down and addresses Jack Frost, and Mrs. Tenniel looks at her watch.*)

MRS. TENNIEL (*aside*). Dear me, it's almost time for Mr. Tenniel to come home. What will he say if— (*Aloud.*) Well, young people, I must ask you to excuse me. Mr. Frost, of course, you will remain to dinner with us. (*Frost bows assent. Exit.*)

DAISY. Mr. Frost, you must come and play with me. Edward plays too strong a game for me.

EDWARD (*lays down cue*). I fancy Mr. Frost plays better than I do.

DAISY. Oh, no! he's too lazy.

JACK. No fellow could be very lazy and obey all your commands. (*Rises slowly and prepares to play.*)

DAISY (*runs over to Helen*). Now, dear, I've done my best for





you, and you must make the most of it. (*Turns and crosses to right, passing Edward, who is moving toward Helen.*)

EDWARD (*aside to Daisy*). You're an angel, Daisy.

DAISY. Not quite; but at present I am ever so much more useful. (*Daisy joins Jack at the billiard table and begins placing the balls. As Edward advances toward her Helen rises, and Edward at once begins the conversation.*)

EDWARD. Helen, I ventured to call to-day, because I knew no other way to make sure of seeing you, and I felt I must see you before leaving Eldridge.

HELEN. Leaving Eldridge, Edward?

EDWARD. Yes, I was to-day discharged from the service of Tenniel & Courtney.

HELEN (*alarmed*). Discharged, Edward! On what grounds?

EDWARD. On the very proper ground that I, being a poor devil of a clerk, declined to renounce my claim to the hand of my employer's daughter, until she told me with her own lips that such was her desire. (*He takes her hand and looks into her face.*)

HELEN (*raising her eyes to his*). She never will tell you so, Edward.

EDWARD (*earnestly*). My darling, I knew you would be true to me; but, Helen, *now*, I *must* give you up—just one moment—I never would be bribed or threatened into giving you up, but *now* it is my duty. I am almost penniless, and out of employment. You can easily see that, being discharged, I can do nothing more here, unless I choose to make public the real cause, and thus drag you into it; and that I shall never do.

HELEN. Listen, Edward. It seems hardly right for me to say what I am going to say, but I think the time has come for us to be perfectly frank. I will not give *you* up (*with embarrassment, but positively*). My father will never ask me to marry against my will. We are young yet—we can wait.

EDWARD. Helen, you are too noble—too generous! It is not right of me to change my purpose, and yet, under the influence of your love, my resolutions seem to melt away. (*Turning, they walk slowly toward divan at back.*)

JACK. That's a game! but really, you don't play so badly, for a girl.

DAISY. Thanks, "awfully." (*Mimicking him.*) You don't play so badly, for a swell. (*Mrs. Tenniel appears at the door.*) If we had not kissed twice, I'd have won.

MRS. TENNIEL (*looking amazed*). Daisy, my dear child, how boldly you talk. You will horrify Mr. Frost (*Daisy and Jack laugh*)—but where—(*stiffly*) Oh! I thought you and Mr. Lee were playing together.

DAISY. So we were; but Mr. Frost grew so attentive to Helen, I made him take Edward's place.

MRS. TENNIEL. Helen, dear, I wish you would excuse yourself for a few minutes. Andrew has brought in the flowers, and you know your father thinks no one but you can arrange them.



HELEN. Yes, mamma. (*Daisy runs to Mrs. Tenniel, with a look at Helen to not be too hasty, and half leads, half pushes her out of the room, talking affectionately to her all the time, and finally saying something at the door which compels Mrs. Tenniel to laugh; she turns and exit, shaking her finger at Daisy.*)

DAISY. Saved again! Your mother excuses you, Miss T. I expect to pass a brilliant examination as a guardian. What would you poor spoons do without me?

HELEN (*reproachfully*). Daisy!

DAISY. Oh, you little innocence! Do you suppose Mr. Frost thought you two were discussing the weather? Come, sir, play,

JACK. I say—don't see why you call me *Mr. Frost*. You don't expect me to call you Miss Temple, do you?

DAISY. Of course not. I always call you Jack, behind your back; but you are such a prodigious swell, your presence overawes me. Play, Jack.

(*Helen and Edward advance down toward left.*)

HELEN. Edward, did any angry words pass between you and Papa to-day?

EDWARD. Well—yes, your father was of course very angry; but I tried to remember he was your father, dearest, and I can only think of one thing that I regret saying, and that was when I told him he should rue this day. He evidently took it as a threat, though I did not mean it so. I alluded merely to the present complicated state of affairs in the Bank, which are really worse than he thinks, and that only *I* could help to straighten out.

HELEN. Yes, I am sorry you said that, for it does sound a little like a threat, and every word you said was taken down by an accurate though invisible, reporter.

EDWARD. What! would Mr. Tenniel stoop to—

HELEN. Let me explain. I learned, in a sort of accidental manner, that Uncle Dick has been converting Papa's private office into what he calls a Phonographic Chamber. He thinks he has succeeded in so far developing Edison's invention, that it can be made to reproduce all sounds taking place in a room not too large and indeed, he seems to have succeeded.

EDWARD. Well! I can not congratulate Uncle Dick on this new invention.

HELEN. I know papa did not want the experiment made in his room. He said it made him uncomfortable to feel that those about him were secretly reported in that way. But Uncle Dick needed a special kind of room, and he is so enthusiastic, papa finally consented, and that explains his having his workshop over papa's office.

EDWARD. Well, Helen, I am sure that uncanny witness can report nothing of me that you will be ashamed of, dearest, and now I really must go. I have to go to the bank once more to get my traps together.

HELEN. That reminds me that papa told me to tell mamma he might not be home to dinner to-night. Will he be in the bank? Oh! Edward.



EDWARD. I suppose so; but you need not be alarmed, darling. I may not see him, and if I should, I shall think of you.

HELEN. Thank you, dearest Edward. (*Helen stands with her eyes downcast. Edward kisses her hand and glances at Daisy and Jack.*)

DAISY (*turning towards them*). What! Edward, are you going?

EDWARD (*standing a little back and near Daisy, Helen remaining where Edward left her*). Yes, Daisy, and probably for a long time. I have left the bank and am going to New York to-night.

DAISY. Left the bank?

EDWARD (*bitterly*). That is, I am discharged.

DAISY (*looks inquiringly at Helen, and Edward nods assent*). What a shame!

EDWARD. Good bye, Daisy. I never can thank you enough. (*His voice breaks.*)

DAISY (*with a little sob*). Well, I suppose you must go. Edward, do me a favor. Let me lend you some money. (*Edward protests.*) Please, Edward. I have lots, and you can pay me again when you have plenty. I'll make my precious guardians send you some. Edward (*she takes his hand*), you must. Good bye. (*Holds up her cheek and he kisses it. As he starts to go, Helen, who has taken off one of her rings, looks up in tears. Daisy appears to drop something.*)

DAISY. Oh! Mr. Frost. Jack, dear, I have dropped my ring, and it has rolled under the table. Please help me find it. (*Jack, who is on the other side of the table, gets down to look for it, and Daisy gets down on this side, both locking on the floor, under the table. Edward looks longingly at Helen, who flies to him, and he folds her for a second to his breast, and their lips meet. As they separate, Helen puts her ring on his little finger.*)

JACK. I am afraid that ring is gone, Daisy.

DAISY. Why, here it is. Of course you never would find it; I had to find it myself. (*They both get up from under the table, Jack looking very red in the face. Edward steps up to him and they shake hands. At the same moment, Mrs. Tenniel appears at the door at back with Richard Courtney.*)

EDWARD (*turning towards Mrs. T., and simply bowing to Richard*). Good by, Mrs. Tenniel.

MRS. TENNIEL (*putting out her hand*). Good by, Mr. Lee. You are quite a stranger. Does business take you to New York again?

EDWARD. Yes; for good this time. I have left the bank, Mrs. Tenniel.

MRS. TENNIEL. Oh! Edward. I am so sorry. (*Edward exit.*) I really do not know what Mr. Tenniel will do without him. I suppose this is one cause of his not being home yet.

HELEN. I forgot to tell you, mamma that papa sent you word not to wait dinner for him, as business might detain him in the city.





MRS. TENNIEL. Well then, we shall have dinner at the usual hour. Daisy, I wish you would help me to arrange the flowers. You know Mr. Tenniel thinks that no one can arrange them like you, dear. Mr. Frost, you can come with us if you like. I am sure you have good taste. Richard, will you excuse us? Helen will entertain you. (*Richard bows.*)

RICHARD (*stopping Helen, as she is about to leave the room*). Helen, may I have a few moments conversation with you? Your mother has very kindly afforded me this opportunity.

HELEN. Certainly, Richard; will you be seated?

(*A servant lights the gas in the hall, and entering the room, hesitates. At a motion from Helen, he proceeds to light a bracket jet on each side of the middle door, and one over the chimney at left.*)

RICHARD. Helen, I think I need hardly tell you the object of my visit. You can not have been blind to my growing affection for you. 'Tis true, I knew of Edward Lee's early attachment, but for some time, particularly when we were abroad, I had regarded it as a thing of the past; but recently—in fact, quite lately—I, of course, have no right to speak to you about another's—Helen, darling, I love you dearly, devotedly—I desire only to consecrate my whole life to your happiness. I can remain in doubt as to your sentiments no longer. If you can give me some hope, I shall be more happy than I can express. If (*he hesitates, his voice faltering*)—if you can not—then it is best I should learn the worst. (*He takes her hand; she does not withdraw it, but turns slightly away from him, as though reflecting; then, turning to him suddenly, and taking both his hands in hers and looking frankly in his face, she speaks.*)

HELEN. Richard, you have paid me a higher compliment than I deserve, and how can I express to you my sorrow that I can not accept it. Believe me, I never once imagined your regard differed in kind or degree from my own. I never supposed that, in the untrammelled enjoyment of your society, I was leading you to a misapprehension of my feelings. I have always looked up to you and esteemed you as one of the best and noblest men I know, whose society was a privilege to a girl like me; but your love I can only repay with my sincere admiration and friendship. Edward Lee—

RICHARD. That will do, Helen. I appreciate. I assure you, your kind feelings toward me—but I have no right to—I had no intention of prying into a—

HELEN. It is not prying, Richard; you have earned my entire confidence, and is it not, perhaps, best for both of us that I should be frank? I am engaged to Edward.

RICHARD. Well, so be it. I shall try to bear my disappointment with manliness, at least; but—you will, of course, excuse me to your mother—and—Good-bye! God bless you! (*She extends her hand to him, and he seizes it, and then, losing for a moment his self-control, turns away, still retaining it in his grasp.*)

HELEN. Oh, Richard! I am so, so sorry. What would I not do to avoid giving you pain!



RICHARD. It is not your fault. It is my own cursed blindness. I might—I should have seen that I—forgive me, Helen; I know your grief is sincere, and I should not thus aggravate it; but to thus lose you forever—pshaw! this is cruel. I must put an end to it. Good-bye! *(He kisses her forehead, and dropping her hand, leaves her. As he is about to depart through the door at back, Daisy Temple rushes in excitedly, followed by Mrs. Tenniel.)*

DAISY T. Oh, dear! what do you think? The Chief of Police has just driven by, to say that Tenniel & Courtney's Bank is on fire! Helen, let's go down town—will you? Jack will go with us. Come, get your things on. *(Exit.)*

MRS. TENNIEL. Richard, would you do me the favor to go down to the fire, and ascertain what you can about Mr. Tenniel? Of course, he is well able to take care of himself, but I am so fearful he will be too rash. You know his energy, and how accustomed he is to take the lead on such occasions.

RICHARD. Of course, dear madam, I will go with pleasure.

MRS. TENNIEL. Thanks! I shall feel less anxious, if you are there. Bring Mr. Tenniel back with you, and we shall postpone dinner till your return. *(Richard bows and exit.)* Helen, are you going, too?

HELEN. I suppose so, dear. Daisy will be disappointed if I don't, and she is such a bold little woman, I really feel as if she would be safer in my company. She would only laugh at any warning from Mr. Frost.

MRS. TENNIEL. Very well, dear; but before you go, tell me about Richard. Did you not give him some encouragement?

HELEN. No, mamma. How could I?

MRS. TENNIEL. Oh, dear! I am sorry. Your father will be annoyed; and really, Edward Lee surely cannot expect to hold you to your engagement under existing circumstances?

HELEN *(quietly)*. He offered to release me, and I declined to be released. *(Exit Helen.)*

MRS. TENNIEL. How much she resembles her dear father. Well, I have done what I could.

*(Enter Daisy in a black mantle and dark hat, accompanied by Jack Frost, who has donned a dark overcoat.)*

DAISY. Where is Helen? How slow she is.

MRS. TENNIEL. She will be here directly. If you meet Mr. Tenniel, Daisy, be sure and tell him I am so anxious to see him safe at home. Try to bring him with you, dear. Ah! Richard! *(Richard appears at the head of the stairs.)* Back already? Did you meet Mr. Tenniel?

RICHARD. Mr. Fellows has just left him. He is now in the parlor with a message for you.

MRS. TENNIEL. No bad news, I hope.

RICHARD. I trust not, but I believe he is impatient to see you. *(Mrs. Tenniel leaves the room, turning to her right. Richard places himself directly between her and the stairs.)*

RICHARD *(returning hurriedly)*. Daisy, where is Helen?



(As Richard enters the room turning towards Daisy, to right of stage, a gentleman, Dr. Sargent, is seen at the head of the stairs, making a motion to others on the stairway to ascend.)

DAISY. In her room. We are just getting ready to go to the fire.

RICHARD. Not now, not now! Go to Helen and keep her from coming here. Mr. Tenniel has been injured, and——.

(Two firemen and a servant now enter, bearing Mr. Tenniel between them. The doctor pushes forward the sofa, to the left of entrance, and they deposit the unconscious man upon it. They are followed by a policeman, bearing Lee's hat and a revolver in his hand. Daisy is about to cross to left as they enter, but steps back affrighted and leans against the billiard table.)

RICHARD. Doctor, is there any hope?

DOCTOR (feeling Mr. Tenniel's pulse). None whatever. His pulse has even now ceased to beat. Happily, the perpetrator of this foul crime has been found and arrested.

RICHARD. Good! Where was he found.

POLICEMAN. In the alley, back of the building, insensible. He had evidently attempted to escape by jumping out of the second-story window.

RICHARD. But what evidence.

POLICEMAN. He is the owner of these (holding up hat and revolver) that were found by the body.

DAISY. Impossible! That is Edward Lee's hat.

POLICEMAN. Yes, miss, he's the very fellow. (The door at left opens and Helen's hand is seen grasping the door-post, as though for support. Mrs. Tenniel appears at back, leaning on Mr. Fellows' arm.)

RICHARD. Good God! Can it be possible! Edward Lee the murderer of Mr. Tenniel? (Mrs. Tenniel falls in a swoon, and Richard and Daisy run toward her and carry her to a seat with Mr. Fellows' assistance, Daisy supporting her head. The door at left is thrown wide open, and Helen stands a moment immovable and pale in the doorway, a black mantle on and a hat in her hand.)

HELEN. No, it is not possible! (Then, throwing herself beside the corpse, she exclaims:) Oh! father, dearest father, speak, tell us the dreadful truth (turning to Richard, so as to throw her profile in relief against the dark background made by the sofa and her father's body). Richard, is there no hope? (Richard shakes his head sadly. Curtain falls.)





## ACT II.

Scene.—The court room: Judge on the bench; jury sitting with their back to the audience; the witness box to judge's left and facing the jury and consequently the audience; in front of and facing the judge a long table, at which sit the attorneys and, toward the front and a little back from the table, Edward Lee, sitting with a couple of officers; at the left, opposite the judge are seated Merton Courtney, Richard Fellows, and Daisy Temple.

THE JUDGE. Before deciding finally upon this subject I wish, though I hardly feel doubtful as to what that decision will be, to put a few questions to the party whose affidavit accompanied the motion of the defense for a postponement of the trial, on the ground that this strange machine is an essential witness to their case. (*To the clerk*) Call Mr. — (looking at his notes) Richard Fellows.

CLERK. Richard Fellows.

RICHARD FELLOWS. Here! (*rising and stepping forward.*)

JUDGE. Will Mr. Fellows please oblige me by taking his place in the witness box.

RICHARD FELLOWS (*obeying*). With the greatest pleasure. Your honor will readily see that in view of—

JUDGE. Pardon me. If you will allow me I will just put two or three questions to which you will please reply, as, in fact, merely a complement to the affidavit before me.

RICHARD FELLOWS. Exactly. Now, your honor must first understand—

JUDGE (*with emphasis*). The witness must understand that the court will put to him two or three questions, to which he will be good enough to reply directly and succinctly. I believe, Mr. Fellows, that no one but yourself was cognizant of the working of this development of the phonograph.

RICHARD FELLOWS. No one but myself and Mr. Tenniel, your honor, who had permitted me to carry on my experiments over his office.

JUDGE. The invention or improvement, then, that you claim to have perfected was, after all, only an experiment?

RICHARD FELLOWS. Hardly that—its efficiency had been demonstrated, and it must absolutely contain and be capable of giving out the actual record of all that took place in Mr. Tenniel's private office on that eventful day.

JUDGE. How comes it, Mr. Fellows, that this wonderful invention was kept a profound secret.

RICHARD FELLOWS. Simply, because I was not ready to give it to the public.

JUDGE. Not having yet perfected it—

RICHARD FELLOWS. It lacked but one thing, and that was supplied the night before the day referred to. This defect





remedied, the record, as I can readily show to the Court, must have been perfect.

JUDGE. You have not another machine, precisely similar?

RICHARD FELLOWS. No, your honor, I have not; but that is not material. I can readily show, to the satisfaction of the Court, that the phonograph is really most efficient, and in this case an *essential* witness—

JUDGE (*coldly*). As a matter of *fact*, however, you had never had a perfectly satisfactory test of its capacity.

RICHARD FELLOWS. If the Court will allow me, that is not of immediate consequence. The only defect detected, I say, had been already remedied, when—

JUDGE. The Court requires no further evidence from Mr. Fellows. You may retire.

RICHARD FELLOWS. One moment, your honor.

JUDGE. I must insist.

RICHARD FELLOWS (*getting excited*). No! no! Nothing of the kind. I must put the matter plainly before you. You evidently misunderstand—

JUDGE. I understand very well, sir; but if you will put what you have to say in few words, and remember you are addressing *me*, not the jury, you may proceed.

RICHARD FELLOWS. Thank you. I want the Court to understand that the only defect apparent in former tests of my invention or development of the phonograph, had a special cause, which I readily discovered and remedied; and of course, the cause being removed, the action of the machine in question now must have been perfect. The witness must be found.

JUDGE. There—that will do, sir. You have already twice admitted that the invention was not perfected.

RICHARD FELLOWS. I have admitted nothing, your honor.

JUDGE. You have admitted it, as plainly as two and two make four; you *will* admit *that*, I suppose.

RICHARD FELLOWS. That depends—sometimes they make twenty-two.

JUDGE. We must have an end of this. I have already told you, you might retire. I am ready to grant some indulgence to the vagaries of an enthusiast, but any man of sense—

RICHARD FELLOWS (*angrily*). Any man of *no sense* can apply the term enthusiast to a man of genius.

JUDGE. Sir, this is unpardonable. Leave the witness box at once.

RICHARD FELLOWS. Not before I have given my testimony—

JUDGE (*furiously*). Leave the box, sir.

RICHARD FELLOWS (*speaking very loud*). —that if this trial proceeds—

JUDGE (*to the sheriff*). Remove that man.

RICHARD FELLOWS (*at the top of his voice*). —without this witness (*the sheriff signals his deputies, who approach Mr. Fellows, he waving them off*)—and this poor boy be convicted, it will be



a case of judicial murder. (*The deputies seize him and force him out of the box.*)

JUDGE. I shall commit you, sir, for contempt.

RICHARD FELLOWS (*furiously, and resisting the deputies*). Contempt be damned—I say judicial murder, judicial murder—do you hear? (*Daisy claps her hands.*)

JUDGE (*pale with rage*). Mr. Clerk, enter up a judgment against this Richard Fellows, for contempt of court. One week in the common jail, and \$100 fine. Mr. Sheriff, he is your prisoner. (*Sheriff rises, and tries to remove Mr. Fellows gently.*)

RICHARD FELLOWS (*still struggling, but being pushed toward door in rear*). A fig for your jail—judicial murder !!

JUDGE. And I must warn all persons, especially females, that any unseemly demonstrations will compel me to have them removed from the court-room.

(*By this time, the deputies have gotten Mr. Fellows outside the door, the sheriff following, carrying his hat, cane and gloves, when he breaks from the deputies, and thrusting the sheriff aside, he shakes his fist toward the judge, and yells out—*)

RICHARD FELLOWS. A case of judicial murder, I say! (*He is summarily silenced, and led off by the sheriff and his deputies.*)

JUDGE. How many more witnesses does the prosecution intend to call?

PROSECUTING ATTORNEY. Two more only, your honor: Mr. Merton Courtney and Miss Helen Tenniel.

JUDGE. The Court will first dispose of the motion of the defense, regarding this phonographic witness. I see no reason whatever, to alter the decision already arrived at, which is that the absence of the so-called witness is not a sufficient cause for a postponement of the trial. Five months have now elapsed since the crime was committed, and there seems to be no more likelihood of its being found now than there was five months ago, notwithstanding all the efforts made to recover it. It is furthermore evident that the invention had not got beyond the experimental stage, and it is, moreover, extremely doubtful whether, after going through the conflagration, as undoubtedly it did, even if we accept the prisoner's own statement as to his saving the instrument and dropping it in his flight, it would be capable of reproducing correctly what transpired in its hearing, if I may be allowed the expression. Under the circumstances, as I have already stated, the Court can not regard the absence of this automatic witness as a sufficient cause for a postponement of the trial. The motion of the defense is therefore denied. The prosecution will now proceed with its testimony. Call the witnesses.

CRIER (*reading from slips*). Merton Courtney—Helen Tenniel.

(*Merton Courtney rises and steps forward to the witness stand. At the same moment, Mrs. Tenniel enters through a door at the right and a little in rear of witness box, leaning on Richard Courtney's arm. She is followed by Helen, leaning on the arm of Jack Frost, both Mrs. T. and Helen being in deep mourning. As they*



*enter, they pass round by seats at back, and take their place in front row at left of stage, alongside of Daisy Temple. Lee turns partly round, and as she goes to her seat, Helen's eyes meet his, and for a moment they are both overcome with emotion.*)

PROS. ATTY. Mr. Courtney. (*Merton Courtney enters the box and is sworn.*)

PROS. ATTY. Mr. Courtney, please state to the jury under what circumstances you met the prisoner on the day of Mr. Tenniel's murder.

MERTON COURTNEY. As I was hurrying to the Bank, after learning that it was in flames, I saw the prisoner carried out from the alley in rear of the building, apparently unconscious. Almost simultaneously, the body of Mr. Tenniel was brought round from the front of the building, borne in the arms of the two firemen who were examined this forenoon. They were closely followed by a third fireman, carrying a pistol and a hat, which, in answer to my inquiry, he stated had been found on the floor, beside Mr. Tenniel's body, in the private office of the Bank. Hastily despatching a messenger for a physician, I directed a policeman to take charge of the weapon and the hat, which I felt sure would furnish a clue to the criminal, and requested Mr. Fellows to proceed to Mr. Tenniel's house to (*here the witness is apparently overcome with emotion, but recovering himself, proceeds*) break the news to Mrs. Tenniel and her daughter—(*he hesitates.*)

PROS. ATTY. What took place after that? Did the prisoner recover consciousness?

MERTON COURTNEY. He did; just as the physician expressed the opinion that Mr. Tenniel was quite dead.

PROS. ATTY. Please state what then occurred.

MERTON COURTNEY. With a sudden effort, as if startled by the physician's words, the accused exclaimed: "Dead! dead! Is there no hope? And the criminal is not known?" I placed my hand on his shoulder, seeking to compose him, and said: "No, Edward, but we have a clue to him. A pistol and hat have been found. Just then I paused, observing for the first time that the accused was hatless. As I paused he exclaimed, excitedly: "Good God! Mr. Courtney, you do not think that I murdered Mr. Tenniel." At this exclamation the policeman already referred to said: "Hold on, Mr. Lee; are these yours?" pointing to the hat and pistol. To this enquiry the accused replied somewhat incoherently, but, as I recollect, admitting the ownership, but protesting his innocence vehemently. The officer remarked he guessed he should have to place him under arrest. The accused then suddenly exclaimed: "The phonograph! the phonograph! I had it in my hands. Who has it? You must find it."

PROS. ATTY. You say you understood the prisoner to acknowledge the ownership of the revolver. Is it not known to yourself, Mr. Courtney, as belonging to the prisoner—

ATTY. FOR DEFT. One moment, To save time, I may state





that the defense is perfectly willing to admit the ownership of the revolver provided the prisoner's own statement before the coroner as to his finding the weapon in the private office of Mr. Tenniel and his discovery of the body, be presented to the jury as evidence in this case.

JUDGE. That's fair. Unless the prosecution objects, I see no objection.

ATTY. FOR PROS. We have no objection, your honor.

JUDGE. Very good.

PROS. ATTY. I have but one more question. Was there anything peculiar about the prisoner's appearance? and if so, describe it.

MERTON COURTNEY. He had a severe cut on his forehead, and one of his hands appeared to be badly bruised. I attributed his excited language partly to his injuries and the excitement attending his escape from the burning building.

PROS. ATTY. (*addressing the attorney for the defense*). He is your witness.

ATTY. FOR DEFT. (*rising*). Mr. Courtney, had you known the accused a long time?

MERTON COURTNEY. Almost since his childhood.

ATTY. FOR DEFT. How long had he been in the employ of the firm of Tenniel & Courtney on the night of the fire?

MERTON COURTNEY. About seven years.

ATTY. FOR DEFT. During that time, had his conduct been satisfactory?

MERTON COURTNEY. To an eminent degree. He had been rapidly promoted to a position of great trust in the bank.

ATTY. FOR DEFT. Had he not on one occasion saved Mr. Tenniel's life at the peril of his own?

MERTON COURTNEY. He had, about four years previously.

ATTY. FOR DEFT. Please give the particulars.

MERTON COURTNEY. The bank was entered after office hours by a private entrance, left open for the use of employes only who might have been detained. Mr. Tenniel was seated in his private office, and was seized, gagged and bound and threatened with immediate death unless he gave up the keys of the bank. The only person then in the building was Edward Lee, who, with great presence of mind, telephoned for the police, and then, at the risk of his life, suddenly entered the private office armed only with a heavy ruler, with which he struck down the leader of the gang just as he was about to discharge his weapon at Mr. Tenniel. He was in a moment himself seized and bound, a couple of shots being fired at him by the man he had struck, but which, fortunately, missed him. His object, however, had been to secure delay which permitted the arrival of the police, and resulted in the arrest and ultimate conviction of two of the gang.

ATTY. FOR DEFT. After this circumstance, was not the prisoner furnished by his employers with a revolver with instructions to keep it in his desk?



MERTON COURTNEY. He was.

ATTY. FOR DEFT. And is not the weapon in question the same that was furnished him?

MERTON COURTNEY. I believe so.

ATTY. FOR DEFT. And he did not carry it on his person, but kept it in his desk at the bank?

MERTON COURTNEY. That I can not say. Such were his instructions.

ATTY. FOR DEFT. Are you not aware that the prisoner kept this weapon in a drawer in his desk which was intentionally left unlocked?

MERTON COURTNEY. I am unable to state that fact of my own knowledge. Such may have been the case.

ATTY. FOR DEFT. Were not the relations of Mr. Tenniel and the accused of a most friendly character?

MERTON COURTNEY. Except lately, and on one subject alone, they were.

ATTY. FOR DEFT. Do you refer to the accused's pretensions to Miss Tenniel's hand?

MERTON COURTNEY. I do.

ATTY. FOR DEFT. Mr. Tenniel had other views regarding his daughter, of which you are aware?

MERTON COURTNEY. He had.

ATTY. FOR DEFT. I believe the preferred suitor was your own son.

MERTON COURTNEY. He was.

ATTY. FOR DEFT. In conclusion, Mr. Courtney, will you kindly inform us what your opinion is of the character of the accused?

MERTON COURTNEY. I have the very highest opinion of him and his principles, and a confidence in his moral character, which remains unshaken.

ATTY. FOR DEFT. Thank you. That will do.

ATTY. FOR PROS. Miss Helen Tenniel.

CRIER. Helen Tenniel!

*(Helen rises, and Mr. Courtney, who has just left the witness-box, offers her his arm with an air of fatherly tenderness, and supports her slowly to the witness stand and Helen is sworn.)*

PROS. ATTY. Miss Tenniel, will you be good enough to state to the jury whether you saw and spoke with the prisoner on the day of your father's mur— death.

HELEN *(speaking low and hesitatingly)*. I saw Mr. Lee and spoke with him on that day.

ONE OF THE JURYMEN. Louder, please.

PROS. ATTY. A little louder, please.

HELEN *(with a very tremulous voice, but looking up and speaking louder)*. I did see Mr. Lee on that day.

PROS. ATTY. Where did that interview take place?

HELEN. At my father's house.

PROS. ATTY. Did the prisoner speak to you of an interview had that day with your father?



HELEN. He did.

PROS. ATTY. Please state what he told you about that interview.

HELEN. Mr. Lee told me — he said he had left the bank.

PROS. ATTY. Did he tell you the cause of his leaving?

HELEN. He said (*she falters*) my father imposed some conditions upon his continuing in the service, which he declined to accept.

PROS. ATTY. Did these conditions have reference to yourself?

HELEN. Yes.

PROS. ATTY. The prisoner was then, I believe, a suitor for your hand?

(*Helen raises her eyes as though about to speak, then hesitates, falters, and stops.*)

PROS. ATTY. There had been a promise of marriage existing between yourself and the prisoner?

HELEN (*pauses a moment, then, looking up and speaking firmly, says*). Mr. Lee and I are engaged. We have been engaged for nearly two years. (*From this time Helen speaks more freely and louder, giving her testimony modestly but firmly, yet showing the effort by which she preserves her self-control.*)

PROS. ATTY. Was your father opposed to this engagement?

HELEN. He was.

PROS. ATTY. And it was the cause of the accused's discharge from the service of Tenniel & Courtney?

HELEN. I believe it was.

PROS. ATTY. Did not the accused assign this as the reason at the interview you have referred to?

HELEN. He did.

PROS. ATTY. Did not the accused describe the interview between himself and your father as a stormy one?

HELEN. He said my father had been angry, and that he himself had used an expression which he regretted.

PROS. ATTY. Did he tell you what that expression was, and if so, please repeat it to the jury.

HELEN. He said, on leaving my father's presence, that he would rue this, or something like that, but he explained that—

PROS. ATTY. Never mind his explanation.

ATTY. FOR DEFT. I protest against my learned friend's interrupting the witness. The young lady is now repeating what the accused said, and must be allowed to repeat all he said.

JUDGE (*to the witness*). You may proceed.

HELEN. Mr. Lee explained that he referred to the condition of affairs in the bank, which were not satisfactory, and which he believed my father would find it difficult to adjust without his assistance.

PROS. ATTY. Did he not say he would return to the bank that evening, and that he expected to meet your father there?

HELEN (*thoughtfully and slowly*). No; he said he should have to return to the bank, and I told him my father was proba-



bly there, as he had told me he might remain at his office late that evening.

PROS. ATTY. Did you say anything to him about meeting your father?

HELEN. I told him if he met him to avoid any altercation with him.

PROS. ATTY. Did the accused's words or manner induce you to fear the result of their meeting?

HELEN. No, sir; I knew my father was hasty, and feared he might say something that would hurt Mr. Lee's feelings.

PROS. ATTY. Your anxiety was therefore entirely on Lee's account?

HELEN (*a little confused*). Not exactly. I was anxious for the sake of both, that nothing unpleasant should occur between them.

PROS. ATTY. What did the accused reply to your caution?

HELEN. He assured me he would endeavor to avoid speaking to him altogether.

PROS. ATTY. When did you next see your father?

HELEN (*pathetically*). I never saw him again alive.

PROS. ATTY. Were you present when your father was brought home?

HELEN. I entered the room where he was brought (*she is interrupted by a fit of weeping*).

PROS. ATTY. (*after she has partially recovered herself*). Did you see this weapon and this hat (*pointing to them on the table*) in the hands of one of the firemen?

HELEN. Yes.

PROS. ATTY. Did you recognize both or either of them as belonging to the accused?

HELEN. I recognized the hat as his.

PROS. ATTY. (*to the Atty. for the defense*). That is all; the witness is yours.

ATTY. FOR DEFT. Did you not, previous to Mr. Lee's return to the bank, inform him yourself of the existence of the phonograph in the ceiling of the apartment?

HELEN. I did.

ATTY. FOR DEFT. And that everything that occurred within the apartment was faithfully recorded by it?

HELEN. Yes, sir!

ATTY. FOR DEFT. Did Mr. Lee seem to doubt its capacity to do so?

HELEN (*surprised*). No, sir!

ATTY. FOR DEFT. One thing more: How long have you known Mr. Lee?

HELEN (*with a faltering voice*). We were children together.

ATTY. FOR DEFT. During all the time of your acquaintance, have you ever known him to speak of your father save in a friendly and respectful manner?

HELEN (*eagerly*). Never. He always spoke of him almost af-





fectionately. (*Then hurriedly and entirely forgetful of everything save the desire to save her lover.*) He esteemed and respected my father; he loved him for my sake. He risked his life for him. Nothing could have induced him—

PROS. ATTY. (*trying to stop her*). I must protest—

HELEN. You shall not stop me, sir! Gentlemen of the jury (*extending her hands to them*), it is *you* who will have to decide. Edward Lee never committed this awful crime. I know I feel, he could not have harmed my father. For pity's sake— (*She falls fainting to the floor.*) *Richard Courtney and Daisy Temple dart forward. Lee springs to his feet, but the officers each place a hand on his arm and stop him. He drops back into his chair, and, overcome with emotion, covers his face with his hands and sobs heavily. Helen is raised from the floor by Richard and Daisy, and as Jack Frost comes forward with Mrs. Tenniel, the Curtain falls.*

END OF ACT II.

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### ACT III.

Scene.—The library of Merton Courtney's residence at Eldridge. Present, Merton Courtney and his son Richard, seated at a side table, discussing a light lunch; decanter on the table. Richard is still eating, and Mr. Courtney, having finished his meal, turns his chair partly round, and lights a cigar.

MERTON COURTNEY. By your leave, Richard. I did not observe that you had not finished eating.

RICHARD C. All right, sir. I *have* finished now, and will trouble you for a mate to that weed.

MERTON C. (*handing Richard his cigar case*). Now let me explain why I ordered lunch for ourselves in the library. I have three things to talk to you about, and as I shall be incessantly occupied all day, and may have to go to the capital to-night, I had no other time. First, as to your prospects.

RICHARD C. They are excellent, but why discuss such matters now when a dozen other matters more important claim your attention?

MERTON COURTNEY. Nothing can be more important to me than my only son's welfare. You say your prospects are good. I believe they are. Prosecuting attorney for one of the most important districts in the State at thirty, and partner of one of the leading lawyers in the country; but I have further ambitions for you, Richard, which I trust I may live to see gratified. If I am elected to the Senate, and I think I may safely count upon the present Legislature in this contest, my term will expire in a presidential year. President Lincoln's re-election next year is certain, but he will not accept a third term. The Stalwart party, as you know, will have to choose between myself and a Western man,



say Kansas or California. If the West carries the day, I shall be offered, and shall accept, a foreign mission, and you must succeed me in the Senate.

RICHARD COURTNEY. My dear father—

MERTON COURTNEY. My dear boy, it shall be as I say. Two years more, if you will be wise and tractable, shall see you in Congress, and then—the Senate. But in the meantime you must get married.

RICHARD COURTNEY. Not yet, thank you.

MERTON COURTNEY. Yes, *now*; the sooner the better. I am a widower. I have been too busy to secure a mistress for my home, even had I wished to do so. I am now too old—too set in my ways to put up with a woman's whims. Yet social pre-eminence is part of my programme, and I want you to assist me in this pleasant portion of my labor, by securing a lovely and accomplished mistress to preside over the home of Senator Courtney. Helen Tenniel (*Richard starts and looks grave*) is twenty-one years old to-day. In another hour I shall have resigned my guardianship, which has in fact, already expired. Two years have now elapsed since—since poor Tenniel died.

RICHARD COURTNEY. Father, let us dismiss this subject now forever. To propose marriage to Helen would be to insult her. She feels as irrevocably bound to Lee, as though he were in my shoes and I in his.

MERTON COURTNEY. Nonsense! mere romance!

RICHARD COURTNEY. Call it what you will, so it is; and furthermore, let me say that I no longer feel towards Helen as I used to. In order to serve her, I had to school myself pretty severely. My task has left some scars, but it is accomplished. I made for Helen the greatest sacrifice a man can make—I overcame my love, that I might remain her friend, and I can now calmly contemplate her devotion to another. I may marry some day, perhaps soon, though I confess I see many obstacles, but it will not be Helen.

MERTON COURTNEY. Very well, Dick! I see you are set in this matter; but I am sorry, very sorry. Helen should marry. She surely cannot look forward to the recovery of this phonograph after all that has been done, all the money spent in vain to secure it. She has done all she could for Lee. It was really through her personal intercession his sentence was commuted, though I introduced her to the Governor.

RICHARD COURTNEY. She always gives you credit for saving his life, but to this day she is as confident as at first that his innocence will be proven.

(*A servant enters, announcing gentlemen to see Mr. Courtney.*)

MERTON COURTNEY. Show them in, James.

(*Servant retires.*)

RICHARD COURTNEY. Politicians, I suppose. I trust that man Buckstone is not among them. I was going to speak to you



about him, father. I assure you it goes sadly against the grain to have you associating with men of his stamp,

MERTON COURTNEY. One of the exigencies of political life, Richard. (*Servant ushers in three or four gentlemen.*)

MERTON COURTNEY. Walk in, gentlemen—be seated. My son and myself were talking business and eating lunch at the same time. What's the news, Mr. Settimup? I hardly thought to see you to-day.

MR. SETTIMUP. There was no use remaining longer. You are safe, sir. Our work is done, practically, though the final ballot may not be reached till to-morrow. Your friends have worked well, and the last twenty-four hours, we had a comparatively easy time, but we had to allow a few more ballots for appearance sake.

MERTON COURTNEY. You nevertheless feel confident?

MR. SETTIMUP. Confident! Of course we do, or we should not be here. We went to the Windsor as per your telegram, but not finding you there, came over to report to you in person.

MERTON COURTNEY. Thank you. Thank you. I shall never forget my friends on this occasion. I shall join you at the Windsor within two hours. We shall make Parlor K our headquarters. Until then my son will represent me. In the meantime let us drink success to the good old Stalwart party. Fill your glasses, gentlemen. (*Richard pours out wine and the toast is drunk.*)

MERTON COURTNEY. Now, Richard, please escort these gentlemen to the Windsor, and be my Alter Ego, for an hour.

(*Exeunt all but Jim Buckstone.*)

JIM BUCKSTONE. A word with you, Courtney.

MERTON COURTNEY (*looking at his watch*). At your service for two minutes.

JIM BUCKSTONE. One will do. I am out of money and out of luck, *pard* (*he emphasizes the last word, keeping his eyes fixed on Courtney, and handing him a paper*) there are my terms, look them over at your leisure but *remember, that* (*pointing to the paper*) contains my lowest figure. I am not to be bought for less. Besides, you know you never forget your friends. I will call for you in an hour, and we will go to the hotel together. (*Exit*)

MERTON COURTNEY (*reads*). Very good. Ah! United States Marshal! Well, my friend Buckstone is modest indeed. \$10,000 down! Damn it, does he think I am a gold mine? The man has no conscience. He forgets that I could send him to States prison, but, well—No that's not to be thought of (*rings bell and takes another glass of wine. To servant who answers bell*). Ask Miss Tenniel if she will see me here for a few moments, on business. (*He sits down, glances again at the paper left with him by Buckstone, sighs heavily, and getting up, walks back and forth two or three times and ejaculates.*) It is a living death! (*Then sitting at a desk he takes some papers out of a drawer and arranges them on the table, one over the other, leaving only the lower portion uncovered for signature—enter Helen.*)

MERTON COURTNEY (*rising*). Helen, my dear child (*taking both*





*her hands in his*) I am no longer your guardian. I have endeavored to do my duty to you, dear, and to-day our relations terminate. It will be necessary for you, as a matter of form, to sign a few documents. There they are. I shall read them to you.

HELEN. Is that necessary?

MERTON COURTNEY. Not necessary, my dear, but proper. It might be said I had taken advantage of my ward.

HELEN. Please, Mr. Courtney, spare me (*taking pen, signs wherever Merton Courtney's finger points*).

MERTON COURTNEY. Thank you for your confidence, Helen. It is more precious to me than perhaps you dream of. Now let me say a few words about yourself. Excuse me if I seem inquisitive. You had a letter from poor Lee to-day.

HELEN. Yes sir. I was going to show it to you, it is so like his genuine manly spirit, but he is quite discouraged. (*Hands Mr. Courtney the letter. He reads it with apparent emotion.*)

MERTON COURTNEY. Generous, noble boy! Helen, he is right in what he says, You are throwing your life away. One moment. As your guardian I refrained from giving you advice that might seem interested, but now, as your friend, I ought to speak plainly, it is my duty, for your own, your mother's sake. You know what unceasing efforts have been made to obtain the only depository of the awful mystery that surrounds your father's death. All in vain. Were public opinion in harmony with *our* sentiments as regards Lee's innocence of the crime, or even were that opinion divided, there might be some opportunity for a pardon. But you know that with hardly an exception, outside our immediate circle, every one believes him guilty.

HELEN (*weeping*). Alas! it is too true.

MERTON COURTNEY. Then do you not see that you owe something to your poor mother?

HELEN. Mother. Ah! yes, but what can I do for her? How does my—my fidelity to Edward render me recreant towards her?

MERTON COURTNEY. I think I must explain to you what you do not seem to understand fully, dear child. You know how seriously your poor father's estate was entangled.

HELEN. Yes—at least I think so.

MERTON COURTNEY. It was indeed, so seriously that now at the surrender of my two years' trust, I have not \$500 to transfer to you. The search for the Phonograph has cost much money—

HELEN. But my mother's life-rent and the house.

MERTON COURTNEY (*smiling sadly*). All the property your father left would not have paid the life-rent for a year. The house—the mortgage on that was foreclosed a month ago, and its new owners are now in possession. It was in view of that I begged you to make your home here this winter. Yes, Helen, you are a brave girl, and you must learn to face the inevitable; save for such poor hospitality as I can afford, and for such time as the artificial society we live in will permit you to enjoy it, you—

HELEN. I see it now—we are practically penniless. Poor



mother, how will she bear it? Mr. Courtney, I begin to see that we are indebted to you for supplying even our material wants. To adequately thank you for the way in which you have administered the trust my father left you, would be impossible. And now you must give me advice; we must not be dependent on any one.

MERTON COURTNEY. Helen, there is a way, and only one way by which you can secure such a home for your mother, such a position for yourself, as you are both entitled to.

HELEN. How? Pray tell me how?

MERTON COURTNEY. Can you not guess, dear child? Helen (*taking her hand*), if you could make up your mind to make the master of that home the happiest of men (*she starts and almost recoils*)—Pardon me, my child, I might have known such a proposition would be repugnant to you.

HELEN. No! no! it is not that—it is not *you* (*covering her face with her hands*).

MERTON COURTNEY. Then believe me, dearest, if you can find it in your heart to cherish some regard for an old man who fondled you as a child, admired you as a girl, and esteems and loves you as a woman—if you can allow him the supreme happiness of ministering to your every wish, of providing for your mother's every comfort—What say you, Helen, may I hope?

HELEN. Mr. Courtney, does Richard know of this?

MERTON COURTNEY. At least, I satisfied myself, before I ventured to speak to you, that your acceptance would not mar *his* happiness (*a pause*). Helen, think of your mother—can you not give me some hope? May I not regard your silence as a happy omen? (*He draws her hands away, and raising her face slightly, stoops and kisses away her tears.*) I will send your mother to you, dearest. (*Exit.*)

HELEN (*Starting up as if to follow him*). No! Mr. Courtney! I cannot! you must not! (*Falls back in her chair in a passion of tears. She weeps and shudders. Enter Mrs. Tenniel.*)

MRS. TENNIEL. My dear child. What is this? what has happened, Helen? (*Sitting beside her, and caressingly laying the girl's head on her bosom.*)

HELEN (*controlling herself by a great effort, and fixing her eyes on her mother's face*). Mr. Courtney has just asked me to be his wife, and I fear he has left me under the impression that I have consented. I was not sufficiently explicit, I fear.

MRS. TENNIEL. Mr. Courtney! Is it possible? Had it been Richard!

HELEN. Richard, I am thankful to say, never thinks of me in that way, now; but had it been Richard, my feeling would have been just the same. I can never marry, and my only fear is lest Mr. Courtney should have misunderstood me.

MRS. TENNIEL. Why did you not tell him just what you have told me, dear, if you feel your decision to be irrevocable.

HELEN. Because—. Well, I did almost hesitate for a moment, but it was only for a moment. The fact is, I have only just



learned how poor we are. Mr. Courtney thought it his duty to tell me all, now that I am of age. Ah! dearest mamma, how will you be able to bear poverty?

MRS. TENNIAL. Poverty! my dear child, surely not as bad as that. There is my life rent, and the Tennial property, and —.

HELEN. No, mamma; the estate is no longer able to pay the life rent; in fact, for the past year you are indebted for it to the generosity of Mr. Courtney, while the Tennial property is no longer ours.

MRS. TENNIAL. What! no longer ours! Explain yourself, Helen. If sold, the proceeds are surely yours, dear.

HELEN. The proceeds will hardly satisfy the demands of the mortgages upon it.

MRS. TENNIAL. My dear child, what is this tale of woe you are unfolding to me? Why, Helen, do you realize that if all you tell me is true, we are beggars?

HELEN. Well, yes, I suppose we are, and I must find employment at once. I can earn enough for our necessities, mamma darling, but I am afraid the change in our circumstances will be dreadfully hard for you.

MRS. TENNIAL (*weeping*). Anything would be better than this. To think of you, my dear child, finding employment, and of our living in some garret, in want of the bare necessities of life. (*Pauses and sobs aloud. Helen rises and nervously moves about the room; her mental anguish intensifies.*) And to think that if you could only have overcome a romantic, almost; forgive me, Helen, but I must say under, the circumstances, almost a sinful attachment.

HELEN. Hush, mother! do not speak of that. We shall never agree on that subject, and I cannot have you speak in such a way. (*In an altered tone.*) You have said, enough, mamma. I do not intend to sacrifice *your* life as well as my own. Give me until this evening; I shall see Mr. Courtney, and give him a final answer to his proposal (*a pause*)—probably an affirmative one.

MRS. TENNIAL. Oh! Helen, my child, for your own sake, I trust you will have strength to carry out this resolution. Mr. Courtney's proposal is certainly a flattering one, and with his present prospects—

(*Enter Daisy Temple and Jack Frost. Daisy is happy and excited, and Jack less languid than usual.*)

DAISY. Dear me, how solemn you look. No bad news, I hope? I have such awfully good news for you—I must tell you before Jack gets a chance. We are not engaged any more. There now, isn't that splendid?

MRS. TENNIAL. Why this is news, indeed; but how did it occur? Have you and Daisy been quarrelling, Mr. Frost?

JACK FROST. No; that is, yes—ever since we were engaged, and to-day Daisy—

DAISY. Oh, Jack! what a story. I didn't; it was Jack.





JACK FROST. Well, you said it would be a happy release, and as I thought so too—

DAISY. I never said it until you said you could see I did not care about you.

JACK F. Well, you don't, you know; and I think when a girl who is engaged admits she thinks more of—

DAISY. If you don't hold your tongue, Jack, I'll never speak to you again (*pouting, and going up to Helen, she addresses her confidentially, Jack remains at right by Mrs. Tenniel, who makes him sit beside her*).

MRS. TENNIEL. I'm afraid you and Daisy will be sorry for this, Mr. Frost. Had you not better try to come to an understanding?

JACK F. Ah! that's what we did, you see. I saw Daisy didn't care a fig about me, and I thought there was no use in keeping the thing up, just to oblige my mother and Mr. Courtney; so I—well, Daisy is awfully sensible, and saw the point at once, and now, I'm going abroad, somewhere.

MRS. TENNIEL. Why do you do that, Mr. Frost, with everything to make you happy in your own country.

JACK F. Oh! that's rather strong, you know. I know I have a good deal to make a man happy, lots of what the parsons call blessings, you know, and I don't want to be ungrateful. I've got the fastest yacht in the club, and I drive one of the handsomest teams in the country, and—and I measure more round the arm than any other fellow in our set—I do, indeed; and I can throw a ball further than any man I ever knew (*sadly*), except one; but, really, Mrs. Tenniel, I don't think those sort of things can make a man happy forever, especially if he can't have the very thing he wants most of all. (*He lowers his voice and Mrs. Tenniel's smiles vanish, and she begins to look serious and interested. They continue their conversation inaudibly.*)

HELEN (*moving towards front of stage, her arm around Daisy*). And so Jack was not altogether wrong as to "some other fellow." Well, darling, you know what I always thought about your engagement, and I think I have good news for you. I am very sure that "some other fellow" thinks more of Daisy Temple this minute—

DAISY. Oh, Helen! I am afraid you say so to comfort me. I know too well—but then, I do not want to trouble you with my sorrow. Don't you think Jack behaved well?

HELEN. Splendidly, dear. With all his oddities, Jack has an excellent heart, and he is a gentleman. I think he showed it on this occasion.

DAISY. So do I. And I never loved him so much as I do now; but you know he was awfully glad to get out of it himself. He is wildly in love himself, and I'm afraid it is hopeless, poor fellow.

HELEN. Why, poor Jack (*laughing*), it is rather difficult to im-





agine Jack hopelessly in love. (*Daisy puts her finger on Helen's lips, and replies to her inaudibly and mysteriously.*)

MRS. TENNIEL. Indeed, my dear Mr. Frost, nothing could give me greater pleasure, but I fear I can give you no encouragement. I may say to you, confidentially, as to an intimate friend, that my daughter has, even now, under consideration, a proposal of marriage, of a most eligible description.

JACK F. I don't believe she'll accept it.

MRS. TENNIEL. You flatter yourself, no doubt, that Mr. Frost's superior attractions have such influence.

JACK F. I beg your pardon, Mrs. Tenniel. I have not the slightest hope for myself; but I do not think Miss Tenniel will marry any one. However, you must excuse me. I did not intend to go into such personal matters. Good-by, Mrs. Tenniel.

HELEN (*turning half round and extending her hand*). Are you going, Mr. Frost?

JACK F. Yes, Miss Tenniel, to attend to a little political business for my uncle just now; but I do not expect to see you again, as I leave for Europe to-morrow. (*He takes her hand, and looking hesitatingly at her, says*) Good-by, Miss Tenniel.

HELEN. Good-by, Mr. Frost.

JACK F. Please say Jack.

HELEN (*smiling*). Certainly, if you wish it. Good-by, Jack. I hope you will have a very pleasant journey.

JACK F. Thank you, and God bless you. (*He kisses her hand earnestly, but respectfully, and moves slowly towards the door.*)

DAISY (*going towards him*). Are you going to forget me, Jack? Good-by.

JACK F. (*turning towards her*). Please forgive me, Daisy. I — (*stammers and stops, extending both hands to her*)—I shall never forget you.

DAISY. Dear old boy, I am so sorry. (*Her voice breaks a little.*) We are neither of us very fortunate in love matters—are we? (*She kisses him on both cheeks. Jack exit.*)

MRS. TENNIEL. I fear, Daisy, your guardian will be displeased to hear that your engagement to his nephew is at an end.

DAISY (*pouting through her tears*). My uncle be— (*Helen holds up a warning finger and Daisy stops. Enter Mr. Fellows.*)

RICHARD FELLOWS. Good-morning, ladies. Ah, Daisy, blooming as ever. I want to see Helen for a minute, alone. Will you excuse me, Mrs. Tenniel?

MRS. TENNIEL. Certainly, if you have anything to say to Helen, that I may not hear. Come, Daisy. (*They retire.*)

RICHARD F. There, now, I've offended your mother, but I can't help it. I feared she might be upset over this letter, if I read it to her, and make a scene.

HELEN (*eagerly*). For Heaven's sake, Uncle Dick, what is it? You have good news for me.

RICHARD F. Now, quietly dear, quietly; only a hint of good news. Control yourself, and listen. (*He reads.*) "Mr. Fel-



lows, Dear Sir,—About this here phonygraph. Don't you give it up yet, but look a *leetle nearer home*. 'Tain't a good sign when a ex-convict is the pal of a ex-governor. Yours, anonymously." There, now, what do you make of that? It's anonymous, of course; but—

HELEN (*nervously struggling to control herself*.) I am afraid—I do not know what to think, Uncle Dick—but it's strange. Now, I remember hearing Richard Courtney say he suspected some man of being an ex-convict—some politician.

RICHARD F. That fellow Buckstone, I'll be bound, and by Jove! Courtney is an ex-governor. (*Enter Buckstone, unperceived*.) We must put a detective on the track of this Buckstone.

JIM BUCKSTONE. Here he is, sir, at your service. (*Mr. Fellows and Helen start back, one to either side, the latter dropping the letter she had taken from Mr. Fellows' hand*.) At your service, sir. What may you want of me?

RICHARD F. How came you here in this manner, unannounced?

JIM BUCKSTONE. By appointment with Mr. Courtney. And now tell me who are you that wants to put some one on the track of this Buckstone? (*Enter Merton Courtney*.)

MERTON C. (*smiling*.) Ah, my dear Fellows, charmed to see you. Will you excuse me a moment, and you too, Helen? I have an engagement with this gentleman on political business, which you know will brook no delays.

RICHARD F. (*coldly*.) Quite excusable. (*Opens the door and lets Helen pass out before him. Mr. Courtney and Buckstone both watch them as they go out, and then Buckstone darts forward to snatch the paper Helen dropped. Mr. Courtney is too quick for him. It lies at his feet, and he picks it up before Buckstone can reach it, and with a hasty glance, peruses it, turning away from Buckstone so as to face the audience*.)

MERTON COURTNEY (*aside*.) Good God! He must have betrayed me—betrayed us both—fool, FOOL, FOOL! (*Buckstone extends his hand to take the paper, and Courtney tears it into bits*.)

JIM BUCKSTONE. What was that?

MERTON COURTNEY. Only a little memorandum of feminine shopping. Now to business. (*Takes out paper Buckstone had given him*.) Your conditions are absurdly exacting, and I can not think of acceding to them. You are altogether too modest, Mr. Buckstone.

JIM BUCKSTONE. Not too modest for a man who can denounce you for compounding a felony, Merton Courtney.

MERTON COURTNEY. But too modest for an escaped convict and incendiary, *murderer* for all I know, whom I could send to the penitentiary within half an hour.

JIM BUCKSTONE. *If you dared*.

MERTON COURTNEY. Why should I not dare (*removes his overcoat and sits down, taking a small package from an inside pocket*).

JIM BUCKSTONE. Why not? Which of us has the most to



lose, Courtney? You, a man of wealth and position, ex-governor, probably, ere this, United States senator, and prospective candidate for the Presidency; or, I, a poor ward politician, ex-convict and gambler, who never enters a respectable house, save on suffrance, and never sleeps without a revolver under his pillow?

MERTON COURTNEY. Comparisons are odious, Mr. Buckstone, but I could add a few finishing touches to both pictures, I think, that would make the contrast less striking. Suffice it to say, that without reference to the remorse which a man must suffer who has stood between justice and a miserable devil like you for two years, you have managed to make life pretty burdensome to me with your infernal blackmailing schemes. (*Pours himself out a glass of wine, mixing with it a white powder so that Buckstone can not see what he is doing and drinks.*) And now, (*He touches a telegraph button in the wall.*) I propose to put an end to it.

JIM BUCKSTONE. What infernal trick are you up to now?

MERTON COURTNEY. I am through with tricks. I am about to hand you over to the Chief of Police, whom I have just notified to call.

JIM BUCKSTONE. In order that I may put him in possession of a witness to Tenniel's murder.

M. C. (*blanches a little, but recovering himself, calmly.*) Yes. If you like. It is about time your victim regained his liberty.

BUCKSTONE. My victim! Well you are a cool hand. It has cost you a pretty penny to keep him where he is.

COURTNEY. Yes, I have been a fool to pay you for revenging yourself and for protecting yourself.

BUCKSTONE. Look here, Courtney. But for you the murder would have been out before now. The boy's pluck gave me two years in jail, I allow, but I bear him no grudge. You do your worst, but let me tell you the old man's machine that you've been so darned scared of, is where it will be found, if I do not give the word to keep it dark, and if I'm arrested—

(*Some noise and confusion as of persons approaching is heard outside.*)

Damn you. I'll not be taken alive. Nor shall I die alone (*he draws revolver and aims at Courtney's breast. Courtney looks him firmly in the eye.*)

MERTON COURTNEY. As well die that way, as any other. (*Jim B. cocks revolver, just as Richard Courtney and Jack Frost, and members of the Committee rush into the room. Richard rushes towards his father and Jack in a twinkling seizes Buckstone, whose weapon goes off, as he does so, knocks him down, and disarms him, others assisting him.*)

JACK FROST. What shall I do with him, Uncle?

MERTON COURTNEY. Hold him if you can for a few seconds. The Chief of Police will be here in a moment. Ah! here he is— (*Enter Chief of Police.*) Captain Burke, that man is your prisoner. He is Jim Buckstone, alias Henry Ford, an escaped





convict, and the man who set fire to Tenniel & Courtney's bank, two years ago. Mr. Frost will no doubt be glad to be relieved of him, but you must be careful, he is somewhat violent. (*Chief of Police handcuffs and removes him. As they get to the door, Buckstone pauses a moment and turning, is about to speak, but the officer hurries him off.*)

MERTON COURTNEY. And now, gentlemen, without apology for this unpleasant, but unavoidable little episode, of which, explanation will be forthcoming in due time, what does this unexpected visit portend? (*Smiling but maintaining his equanimity by a great and apparent concentration of will power.*) Is the great question settled?

MR. SETTIMUP. Yes, Senator, and in our favor. Hurrah! (*the others re-echo his cheers and crowd around Mr. Courtney.*)

RICHARD COURTNEY (*taking his father's hand, and affectionately passing his arm within his*). Father, you must let me be the first to congratulate our new Senator. (*They shake hands cordially, and the others advancing, all shake hands with the new Senator, who, notwithstanding increasing suffering, says a pleasant word to each. Meanwhile, Richard fills some glasses with wine.*)

MERTON COURTNEY (*addressing Jack Frost, who advances last*). And to you, my good nephew, I think is due the fact that the new Senator is not already a corpse. I imagine friend Buckstone is not a man to miss his aim.

JACK FROST. Well, I'm glad I've done something, for once in my life, that was worthy of commendation.

RICHARD COURTNEY. Gentlemen, I propose the health of Senator Courtney. (*They all bow to Mr. Courtney and drink his health.*)

MERTON COURTNEY. Thank you, my friends, thank you, and now, may I beg you to excuse me for a few moments. I am suffering to-day, from the effects of slight indisposition, which will very quickly pass away, but the pain of which rather takes my self-control. My son will remain with me. Jack, take these gentlemen to the hotel, and act as host, in my stead. Order dinner there for us all, and Richard and I will join you in half an hour. (*All retire but Richard, on whose shoulder Mr. Courtney lays his hand. As soon as all have gone, he sinks into a chair.*)

RICHARD COURTNEY. My dear father, this is more serious than I could have imagined a moment ago. Let me call Mrs. Tenniel, while I go—

MERTON COURTNEY (*recovering himself by a sudden effort and speaking emphatically*). No, Richard. No. It is too late. This is the end. Do not leave me. My last injunction to you is this: *Right the wrong done to Edward Lee, whatever happens. He is innocent. Buckstone has the phonograph. He knows (a spasm of great violence comes upon him. Richard pulls the bell-cord violently. At the same moment, Mrs. Tenniel, Helen, Daisy and Mr. Fellows enter).*



MRS. TENNIEL. We have come to offer our congratulations to Senator Courtney. Heavens! Richard, what is the matter?

RICHARD COURTNEY. My father is, I fear, very ill. We must summon a physician, at once. (*They all surround his chair. A servant enters.*)

RICHARD COURTNEY. James, go at once for Dr. Henry. Tell him Mr. Courtney is very ill. (*Exit servant. Mr. Courtney opens his eyes. They fall on Fellows, and Helen. He speaks brokenly.*)

MERTON COURTNEY. Helen—the missing witness is found—Lee's innocence—Buckstone. (*Another spasm comes on, and in it he expires.*)

END OF ACT III.

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## ACT IV.

SCENE.—A room in the Court House. Present: the Judge, the Sheriff, Richard Courtney (the District Attorney), and two other gentlemen, constituting a Committee of Pardons. They are seated at a table placed lengthwise across the stage. Immediately in front of the table is a stand, covered with a green cloth, and on it the Phonograph. Beside the Phonograph sits Mr. Fellows. At one side of the room are standing and sitting some officers of the Court, and at a table at extreme right, two or three reporters. On the left are seated Mrs. Tenniel, Helen and Daisy Temple. All intently listening.

THE JUDGE. In view of the fact that the unprecedented circumstances that called for the appointment of a special commission to hear this extraordinary witness, make an adjournment impossible, and yet, that the events to be recorded lasted several hours, in fact, the greater part of one day, it would be interesting to know whether the instrument, while not recording the speech of any person involved, could be made to revolve more rapidly without in any way affecting its evidence. How is it, Mr. Fellows?

RICHARD FELLOWS. Certainly, Judge. The cylinder can be made, by pressure on this little lever at the side (*laying his hand on it*), to revolve with much greater speed.

RICHARD COURTNEY. It would be necessary, however, to restore its normal rate of speed, if I may use such an expression, whenever any one was about to speak. Now, how could that be done?

RICHARD FELLOWS. Very simply. By raising the upper portion at the back, I can readily see the indentations on the metal sheet that indicate the sounds which occurred within the radius of the reproducing capacity of the Phonograph before they arrive at the point where they are reproduced. I can then slacken the speed to its normal rate by simply raising my hand and relieving the lever of the pressure.



THE JUDGE. I see no objections to this course being adopted. Do the other members of the Commission agree?

SEVERAL VOICES. Certainly; of course.

JUDGE. As it is now some time since the Phonograph has uttered anything, I suggest that the stenographer for the Commission read the last words emitted from it.

STENOGRAPHER (*rising reads from notes*). You will rue this ere long, Mr. Tenniel.

(*After a few moment's pause, during which Mr. Fellows' finger is pressed on the lever, and during which a "clicking" sound should be audible the ring of a hand bell is heard to proceed from the Phonograph. Then a voice.*)

VOICE. "Did you ring, sir?"

THEN MR. TENNIEL'S VOICE. "Yes: bring me the two boxes from the vault, the one marked 'Tenniel and Courtney, private,' and the other 'Luther Tenniel.'" (*A few more seconds elapse, and then a sound is produced as by some one's depositing metal boxes on a table.*)

MR. TENNIEL'S VOICE. "That will do. Thank you! Now, do not let me be disturbed unless I am especially inquired for."

(*Mr. Fellows presses the lever, and in a moment or two is heard again.*)

MR. TENNIEL'S VOICE. "Well, sir, what can I do for you?"

UNKNOWN VOICE. "Mr. Stern requests that you will be good enough to look at that note and state whether that signature is genuine."

MR. TENNIEL'S VOICE. "Certainly! why do you ask?"

UNKNOWN VOICE. "Mr. Stern thought it strange that you should have made arrangements for a renewal of the original note without having spoken to him about it."

MR. TENNIEL'S VOICE. "Renewal—what do you mean? Let me see that note again. Due next month. Well! sit down. I will give you a check for it now." (*A pause.*) "There, tell Mr. Stern it was an oversight."

UNKNOWN VOICE. "Thank you, sir."

(*Again a ring.*)

MR. TENNIEL'S VOICE, "Ask Mr. Courtney to step this way,— (*pause*). Ah, Courtney, can you give me an hour's interview this afternoon. I wish to talk with you particularly."

MERTON COURTNEY'S VOICE. "Too bad, my dear Luther; I have to speak at the Stalwart League Club this afternoon. However, if you can wait till after five, I can meet you here about that hour."

LUTHER TENNIEL'S VOICE. "Very well! That must do, I suppose. I shall be here later than that."

MERTON COURTNEY'S VOICE. "Very good. Say 5.30 then." (*Pause of a few minutes.*)

MR. TENNIEL'S VOICE. "Can it be possible! Deceived—deceived, and well nigh ruined. (*Pause.*) Well! be the worst



what it may, Luther Tenniel will know how to meet it like a man."

*(Mr. Fellows examines the instrument once more, and presses the lever to accelerate its motion, at the same time laying his watch on the table. At the end of a few minutes he speaks.)*

RICHARD FELLOWS. At the speed with which the cylinder now revolves every minute represents half an hour's duration of time, at its normal rate of speed.

*(Again a few moments' pause. Richard Courtney, ever since the appointment made by his father at 5.30 has shown a little uneasiness, and as time goes on, not only he, but all present, seem more and more intensely absorbed. Finally,)*

MERTON COURTNEY'S VOICE. "Well, here I am at last. A few minutes late, but that could not be helped, I assure you."

MR. TENNIEL'S VOICE. "Courtney! I am sorry to say I find the affairs of the bank in a very unsatisfactory condition."

MERTON COURTNEY'S VOICE. "I fear so. I was getting a little uneasy before your return. You see, my political plans and relations, in which you have always been as interested as I, took up more of my time than I expected, and I was compelled to entrust a great deal to Lee. I trust he may not prove to have been unworthy of my confidence."

MR. TENNIEL'S VOICE. "Lee! never! Lee is honest personified. Nor do I attribute the trouble to your time having been taken up. But I find my private affairs are also involved, and that my private papers have been tampered with."

MERTON COURTNEY'S VOICE. "Nonsense, man. I had the key to the private box while you were gone. By the way, I still have it; it has never left my hands once. Ah! it has been opened. How is that?"

MR. TENNIEL'S VOICE. "I had a duplicate key, which I kept with me."

MERTON COURTNEY'S VOICE. "No one could have got at the box without my knowing it."

MR. TENNIEL'S VOICE. "Yes; but supposing you *did* know it."

MERTON COURTNEY'S VOICE. "Luther! what do you insinuate? What are you thinking of?"

MR. TENNIEL'S VOICE. "I *think* much, *insinuate* nothing. I *know* the papers in this box have been tampered with. I have to-day seen a note, bearing my name, which I never signed. How comes Stern to hold a note of mine, a renewal, he says, of a note given six months ago? You had funds to take it up. For God's sake tell me all, man, and let me help you, if I can."

MERTON COURTNEY'S VOICE. "Luther, what madness is this? Am I to understand that you really suspect *me*?"

MR. TENNIEL'S VOICE. "No, it is not mere suspicion. The deed to Helen of the Tenniel place is gone, and there are other evidences. Courtney, you know that for old times, for old friendship's sake, I will help you if I can, but I must know all."

*(A pause, during which all present show a more intense interest*





and most painful suspense. Richard Courtney half rises from his seat, and then, by a violent effort, controls himself. At last,)

MERTON COURTNEY'S VOICE. "What do you propose, supposing there is any thing to tell? Nay, I may as well make a clean breast of it—the truth is, Luther, that my political expenses have been very heavy, and I found my private account overdrawn. As my political career was largely a part of our general plan of business, I finally concluded to charge some of these extraordinary expenses to the general account. There were other things, but I expected to have these matters all straightened up some time ago."

MR. TENNIEL'S VOICE. "What about that forged note?"

MERTON COURTNEY'S VOICE. "I will explain about that later. Meantime, you know and I know, that something must be done to relieve the present stringency, and I have thought of a way. I can now control, as Daisy Temple's guardian, some \$200,000 in available funds."

MR. TENNIEL'S VOICE. "Stop, sir! Enough—you confess yourself a thief and a forger—"

MERTON COURTNEY'S VOICE. "Really, Luther—"

MR. TENNIEL'S VOICE. "And you now propose that I shall be your accomplice in robbing your ward, to extricate ourselves from the consequences of your dishonesty—Hush, man! hear me out—I will give you a chance, but the reputation of Luther Tenniel must be saved at all hazards, even though he be reduced to beggary. You shall leave with me, here and now, a statement in your own writing, of your defalcations and crimes. To-morrow, I shall close the doors of the Bank and publish your statement. Between to-day and tomorrow, you can leave the country for ever. Accept my condition, or this very night I shall denounce you, and justice shall take its course."

MERTON COURTNEY'S VOICE. "Luther, you are too hard; you are unjust; your terms are simply preposterous. I decline absolutely the conditions you impose upon me. Do your worst—"

MR. TENNIEL'S VOICE. "Stay, Courtney! be wise in time. Well, then, so be it—his blood be on his own head. Ah! Merton, you have thought better of it. Believe me, it is the only way—"

MERTON COURTNEY'S VOICE. "It is *not* the only way. Merton Courtney is not to be balked in this way of his life's ambition. You have chosen to be the obstacle in my path—and (*threateningly*) thus do I remove it." (*A pistol shot, followed by a groan from Tenniel. His body falls heavily to the ground. Here Richard Courtney starts up in horror, extending a hand toward the machine from which emanates this evidence of his father's appalling crime. An officer of the Court darts toward him, as though fearing he would fall. As he extends his hand, Richard grasps his arm with his right hand, and holds him in a grip of steel, during a pause of about half a minute. Then is heard*)

MR. TENNIEL'S VOICE (*in faltering tones*). "Merton Courtney, my friend—my partner—thief, forger, murderer—Ah! God!—"



Elizabeth—Helen — my child — have mercy on them." (*Silence ensues, and Richard Courtney, staggering forward, falls prone to the floor. At the mention of their names by Mr. Tenniel Mrs. Tenniel and Helen instinctively start, rise and appear about to advance, when Richard C.'s movements arrest them. As Richard falls, Daisy rushes past them, and throws herself on the floor by Richard's side. With an exclamation of terror, she stoops over him, then rises and stands pale and erect, almost defiant. The curtain falls.*)

END OF ACT IV.

ACT V.

Scene.—A Sitting Room in the late Mr. Courtney's residence. Present.—Mrs. Tenniel and Helen.

HELEN. At least, mamma, it seems to me, now that Richard no longer requires our care, we ought not to remain here.

MRS. TENNIEL. Well, I agree with you, dear ; but where are we to go ? It is really more than I can bear, to think how your poor, dear father was defrauded, robbed by that dreadful man—and though the criminal has been discovered, it is too late for his punishment, or our good (*whimpering*).

HELEN (*wearily*). Mamma, it is no use for us to revert any more to this painful subject. It is—it should be—some consolation to us to know that one unjustly accused, unjustly convicted, has been justified, and his innocence established. As for ourselves, of *course* it has not changed our circumstances, save that the amount left to you by Mr. Courtney, doubtless as a salve to his conscience, will secure to you a moderate income.

MRS. TENNIEL. Moderate, indeed !

HELEN (*paying no attention*). And I am quite competent to add to it enough for my expenses, by my own efforts ; moreover, Daisy desires to make her home with us, and is only too anxious that we hasten our departure, as, of course, her stay here is, under the circumstances, becoming unbearable. So, if you please, mamma, let us take the necessary steps at once.

MRS. TENNIEL. Really, Helen, I can hardly understand you ; you are so peremptory and decided in all your views—and to hear you talk so calmly about "your own efforts to add to our income," as if you were a mere working girl. I think (*shedding a few tears*), you should have a little more consideration for my feelings.

HELEN (*going over to her mother's side*). I feel sorry to have to speak in any way to hurt your feelings, mother, dear. I know they have been sadly tried of late ; but we cannot change the hard facts, and the best way is to look them boldly in the face and *act*. I am going to find Daisy, and we will see to-day what arrangement we can make. (*Exit Helen.*)

MRS. TENNIEL. Dear me (*sighing*), it is so perplexing to



know just what to do and to be without the means of doing as one would wish, is really so trying; and there's Daisy, poor child—Richard really seems to have no intentions, and now his decision to leave the country is evidence that he has no thought—. Ah! here he is. (*Enter Richard.*) Have you been out and alone?

RICHARD. No, Mrs. Tenniel; neither out, nor alone. I have been spending the morning, however, in the transaction of some business.

MRS. TENNIEL. Business, Richard! for shame! What shall we do with you?

RICHARD. In truth, Mrs. Tenniel, the inability to attend to this matter before was infinitely more trying to me than any amount of labor involved in its transaction. I refer to the means necessary to afford you reparation. (*He stops, with an apparent effort at self-control.*)

MRS. TENNIEL. You had better not broach the subject now, Richard; it can wait. Of course, I realize how trying our position is.

RICHARD. Yes, indeed; but I trust it will not be for long. What I wanted to say to you now, was this—My partner and attorney, to whom I entrusted all my father's affairs as soon as I was able to think of anything, with instructions to see what could be done towards making amends, if possible, to those whom my father— Well, to cut it short, I am thankful to say, he finds things in a better condition than we had a right to expect, and assuming the trust confided to my father by Mr. Tenniel, I am happy to be able to put you and Helen in possession of the little fortune he had settled upon you and her. Better still, my partner informs me to-day that the purchaser of the Tenniel property has consented to waive his right thereto, and accepted a deed to this house in its place.

MRS. TENNIEL (*again moved to tears*). Oh, Richard! this is too much. And you—what of yourself?

RICHARD. Never mind about me, Mrs. Tenniel. I shall only stay in this country long enough to see that the sufferers by my unfortunate father's defalcations are indemnified to the best of my ability. That reminds me, I heard from Mr. Fellows this morning. He and Lee will be here to-day. He has succeeded in overcoming Lee's prejudices against accepting a pardon; and, Mrs. Tenniel, I am going to ask you and Mr. Fellows to act as hosts here until I can make the needful arrangements for your return to your own home.

MRS. TENNIEL. But, Richard, you are not going to-day, surely?

RICHARD. Yes, Mrs. Tenniel, at least, I shall leave this house to-day. You can readily understand how painful it will be for me to be constantly in the society of one whom I feel has been so irreparably injured by— (*Here his emotion chokes him.*)

(*Enter Daisy and Mr. Fellows. Richard turns toward them in*





*silence, and Fellows extending his right hand to Mrs. Tenniel, grasps Richard's with his left.)*

MRS. TENNIEL. You see our patient is improving (*looking at Richard*).

MR. FELLOWS. That's right; though I can't say he looks very hearty yet. But wait till we cheer him up a bit. By the way, my young idiot concluded to accept the inevitable, and I brought him with me. In spite of your kind letter, however, he preferred not to accompany me here, fearing that—that, at least he thought—.

RICHARD. I understand, and appreciate his thoughtfulness; but I want to see him here once (*touches indicator for servant*), so please send him word he is to make his home here. I understand from my partner, the citizens of Eldridge propose giving him a public reception, and in some more substantial way, trying to make amends to him for what he has had to suffer.

*(Enter servant.)*

FELLOWS (*writing on a card*). There—there, he's all right now; he'll get over it as soon as a certain young lady has welcomed him. But then, I'm very glad of this public reception. (*Giving card to servant*) For Mr. Lee at the Windsor.

MRS. TENNIEL (*who has been conversing apart with Daisy, moves to center and addresses the gentlemen*). Well, gentlemen, if you will excuse me, I will go to Helen and tell her of your return, (*addressing Mr. Fellows*). Of course, the dear child will feel a little agitated.

FELLOWS. Certainly, certainly. Give her my love, and tell her I have most unselfishly brought back a successful rival.

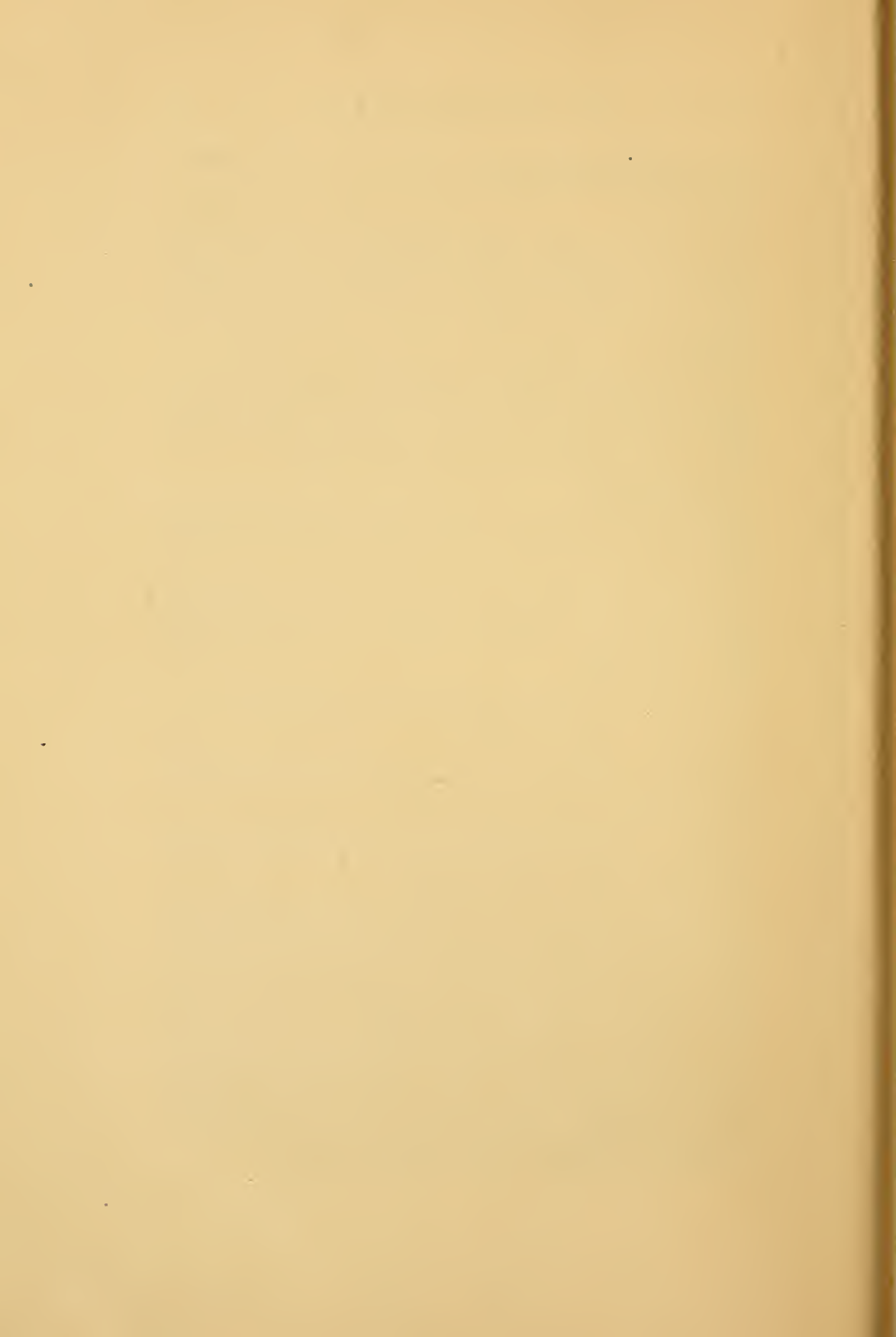
*(Exit Mrs. Tenniel, bowing.)*

FELLOWS. Where's my little Daisy? Ah! Daisy, you and I are going to be left out in the cold, are we not? Your faithless swain gone, and Helen restored to her lover; and, upon my word, you do not look very gay, little woman.

DAISY. Oh, yes, I am as gay as ever. I have been mourning your absence, Uncle Dick, that's all. You're the only beau I have left, and I appreciate you, I assure you.

RICHARD. I want, before Lee arrives, to tell you both something that it may please you to communicate to him, and which you will gratify me much by telling him for me. I need hardly tell you how much Lee's sufferings have filled my thoughts since I knew how they had been caused. I wish you to tell him, please, what I cannot express to him myself—how anxious I have been to make him some reparation for all he has endured. Of course, I know I never can do so adequately; but I have seen Morgan, who became my father's partner after Mr. Tenniel's death, and have arranged to have my father's interests in the bank transferred to Lee, who will thus become a partner in the concern he served so long and faithfully. It will, at least, remove any hesitation he might have in asking Helen to be his wife, and—.

*(Daisy averts her face to hide her emotion, and—.)*



FELLOWS (*after stamping and sputtering and clearing his throat vociferously, and seizing Richard's hand*). Richard, dear boy, if I had not known your mother, who was an angel, if ever there was one, I should never have believed there was as good a fellow as yourself. (*Servant enters with Lee's card, which he passes to Richard.*)

RICHARD (*still holding Fellows' hand*). Show him up here? Daisy, will you not go and receive Edward and bring him here?

DAISY. Certainly; with great pleasure. (*Exit.*)

RICHARD. I don't wish to appear to run away from Lee, but you will understand that I would rather not be here.

FELLOWS. Certainly! certainly! Between you and me, my dear boy, I am almost sorry she did not prefer you.

RICHARD (*smiling*). No, no; it is not that. Were Helen Tenniel heart-free to-day, there would be nothing between us, but I confess I should feel less at my ease with Lee than any one else.

(*Enter Daisy and Lee.*)

LEE (*approaching Richard with much feeling*). My dear Richard (*pause—seizes his hand warmly*), how can I thank you for your kind welcome, and now—what Daisy tells me—indeed you have placed me under such obligations.

RICHARD. Daisy should not be telling tales yet. You must not talk to *me* of obligations. I can not say what I feel, Edward. You must try to give me credit for what is left unsaid. I shall have to leave you to-day, but I wanted particularly to bid you welcome, and it is *I* should thank you for giving me the opportunity to do so. I want to assure you of one thing more: you have no rival for Helen Tenniel's love; and before I leave you must accept my cordial good wishes for your and her future happiness.

LEE. No rival, did I have one, would have aught to fear from me. I shall never ask Helen Tenniel to be the wife of a *pardoned criminal*.

ALL. What!

FELLOWS (*furiously*). You're a young fraud! A trifler, sir! A d—d ungrateful young dog. What do you suppose I got you out of jail for; eh! Answer me that.

EDWARD. My dear Mr. Fellows—

FELLOWS. Damn it, don't interrupt me, sir. I propose to have my say. Did I not invent the infernal thing that saved you from a life in jail. Do you suppose I did it for you, you young scamp? No, sir. It was for that dear, good girl, whom you propose now to trifle with.

LEE. Trifle! I can assure you—

DAISY. Really, Edward, you do try your friends' patience. I agree with Uncle Dick. You are most ungrateful. If it had not been for me, I should like to know how you and Helen would ever have managed. I declare *I* have no patience with you. Upon my word, I wish you were back in the penitentiary.



LEE. Well, Richard, have you got no abuse for me.

RICHARD. No, Edward, no abuse. I think I can understand your feeling, but I am sure you will not have been among your friends very long without realizing that no stigma whatever attaches to you. God knows I hope so. If I supposed you had anything yet to suffer from this, it would—

EDWARD LEE. And I would not, I assure you, have you suffer more than you have done, Richard. It was on your account I accepted my pardon (*bitterly*). Pardon for an offence I never committed. But to think of Helen as the wife of a man who, after all, is only a pardoned criminal. I cannot do it. I love her too dearly.

DAISY (*earnestly*). Ah, Edward, no man can realize the depth of a woman's love (*Glancing towards Richard timidly*). Don't you know that the more a man has to suffer, the more determined is the woman who truly loves him to suffer everything with him. (*During these words, Richard's eyes are riveted on Daisy, whose own eyes drop as they meet his gaze and she finishes them addressing herself pointedly to Lee. As she concludes, Richard pauses a moment, then, with a sigh, turns towards Lee.*)

FELLOWS. Bravo! Daisy! (*Applauds her.*)

LEE. I confess I am hardly prepared for such an onslaught.

RICHARD (*going up to Lee and laying his hand persuasively on his shoulder.*) My dear Lee, it is not *I* who should combat your scruples—scruples imposed upon you as the result of my own father's—

LEE. Nay, Richard, do not—

RICHARD. Please hear me. In all the bitterness of this terrible blow, I have had one consoling thought—that Helen's happiness, for which I had already sacrificed so much, would be assured. In truth, if her future life is to be blighted, my last consolation will be taken away—but in all unselfishness, Edward, I think I could draw you a picture of future happiness that your heart and mind, tried by the terrible ordeal of the last two years, could not resist—the picture of a sweet little home, in which should reign a still sweeter wife, consecrating her life to your happiness, surrounding you with the gentle chains of a love that binds your heart to hers—who should find her greatest happiness in obliterating from your mind the remembrance of past suffering, in healing the old wounds—(*feelingly*). Ah! man, who could see such a picture before his eyes, and allow any obstacle to prevent its realization?

LEE. I confess I can not—you have prevailed. Daisy, forgive my non-appreciation of the depth of a woman's love. Uncle Dick, I yield—but where is Helen?

RICHARD. Her mother left us just now, to apprise her of your arrival, and if you will excuse us—I have some business to talk over with Uncle Dick—

FELLOWS. I am always at your service, dear boy—and (*to Lee*) as for you—I shall not feel quite satisfied till I see you once more





in bonds—in the holy bonds of matrimony. Ha! ha that's not so bad, egad—(*exit with Richard.*)

DAISY. So once more I suppose I shall have to be your good angel, and bring Helen to you, as in days gone by. Heigh ho!

LEE. Daisy, what's the matter? A sigh from you?—you do not look happy—

DAISY. Don't I look as rejoiced at your return as you think I should, Mr. Egotist? In truth, I am mourning poor Helen's fate. I always thought she was too good for you. Won't I tell her, though, how her precious Edward was ready to throw her overboard.

LEE. Daisy, dear Daisy—I beg—I entreat—(*Helen appears at the door. A moment's pause.*)

HELEN. Edward! } (*Simultaneously*)

LEE. Helen! } (*Edward rushes forward, Helen meets him joyously, and in another moment, is folded to his bosom.*)

LEE. My precious, noble girl!

HELEN. Oh! Edward, how you have suffered!

LEE. Only to make me the more happy in your love, my darling.

DAISY. Ahem! And yet this is the man who, but a few minutes ago had to be persuaded—

LEE (*reproachfully*). Daisy!

HELEN. Never mind, Edward, no one can make me doubt you. I fear Daisy is growing cynical. Since Jack Frost left she has quite changed.

LEE. I once thought from one of your letters that Daisy had set her cap at that noble fellow, Richard.

DAISY (*with contempt*). Impertinence!

LEE. Ah! but you blush all the same. Now I understand what Richard meant when he said I had no rival in your love (*to Helen*) and what inspired his eloquent picture of domestic bliss.

DAISY. Oh, Helen! (*pitifully and earnestly.*) How could you? Have I not been mortified enough without this?

(*Enter Mrs. Tenniel.*)

MRS. TENNIEL. Ah! my dear Edward, how thankful I am to see you once more among us—one of ourselves as you used to be—(*she puts her handkerchief to her eyes and touches his cheek with her lips*) after all you have suffered, We have indeed, much to be thankful for. Accept my earnest congratulations.

LEE. Thank you, Mrs. Tenniel, I certainly deserve them. I suppose you know how thoughtfully Richard has cared for my future.

MRS. TENNIEL. No. Indeed!

HELEN. No, dear, tell us about it.

LEE. Indeed, I can hardly command myself to speak of it. He has secured to me his father's interest in the bank.

DAISY. And this, ladies, is Mr. Lee, of Morgan & Lee.





HELEN. Dear, good, generous Richard. Oh! how nobly he has acted all through this dreadful business.

MRS. TENNIEL. Most nobly, indeed.

LEE. And now, Mrs. Tenniel, you will not withhold your consent (*taking Helen's hand and drawing it through his arm caressingly*).

MRS. TENNIEL (*graciously*). No, indeed, my dear children.

FELLOWS (*without*). I tell you *I won't hear of it*. (*Enter Fellows with his arm passed through Richard's.*) I'll be hanged if I can stand it, and I won't (*addressing the rest*). Here's another fool on my hands; bound, he says, to leave his home and country; to leave his best friends, whose love and solicitude should help to comfort him in his trial and sorrow, so that he can get away where he can be comfortably lonely and miserable, I vow it's too unreasonable! I was bound you should all have a chance to protest. (*He leads Richard to right of center and to left of Daisy, Fellows being on Richard's left, next to him Mrs. Tenniel, and next to her Lee, with Helen to his left. While Fellows speaks, Daisy looks toward him earnestly until he refers to Richard's being alone, when she turns away. As he concludes, Helen crosses to Richard and takes both his hands in hers.*)

HELEN. Richard, you have done so much for us all, can you refuse us the happiness of doing what we can for you? Will you not leave us a single opportunity to retrieve ourselves of all our obligations to you? There is not one here who does not long to serve you—to comfort you. God knows I can never adequately thank you for all you have done and borne for me. (*She raises his hands to her lips and kisses them.*) Richard, dear friend, you, who are so unselfish, will you not think of others—of one other, perhaps, who would love to devote her life to your happiness? (*Daisy darts a quick reproachful glance at Helen.*)

RICHARD. Ah! Helen. No woman—I never could permit myself to ask any woman to ally herself to such a blighted life as mine.

EDWARD (*coming forward next to Helen*). Heterodoxy! My dear Richard. Have you so soon forgotten the text of a sweet little preacher who lately converted me: "No man can realize the depth of a woman's love. The more a man has to suffer the more determined is the woman who truly loves him to suffer everything with him." (*He glances toward Daisy, who still keeps her face averted, by a great effort maintaining her self-control. In the meantime Mr. Fellows has moved round to extreme right, where he stands with beaming countenance, and every evidence of joy at having left Richard in good hands.*) Can you resist the picture of a sweet little home in which should reign a still sweeter wife, consecrating her life to your happiness, surrounding you with the gentle chains of a love that binds your heart to her. Who should find her greatest happiness in obliterating from your mind the remembrance of past suffering, in healing the old wounds. Ah!



man! Who could see such a picture before his eyes and allow any obstacle to prevent its realization?

FELLOWS. Bravo! Well done, Edward. (*He looks down at Daisy, who is almost overwhelmed by her emotion, but struggles hard to control herself, and puts his hand kindly under her chin, trying to raise her face up to his.*)

RICHARD. Indeed, I could not if I thought any woman could ever bring herself to love me as Helen loves you.

FELLOWS (*who has succeeded in raising Daisy's face and sees it suffused with tears*). Hey day! What's the matter here? Our little Daisy in tears?

(*Daisy can not control herself any longer and throws herself on his bosom, weeping passionately.*)

FELLOWS. What's the matter, little one? Won't you tell your Uncle Dick? What are you crying for? Come out with it, little woman.

DAISY (*sobbing hysterically*). Be— be— be—cause men a—are SO STUPID!

HELEN. Oh, Richard! Richard! Are you blind?

RICHARD. Daisy, dearest Daisy, can it be possible? Could you really? Oh! if I only felt that you could love me! that I could make you happy.

(*Mr. Fellows raises Daisy and turns her toward him, and their eyes meet. Richard opens his arms and folds her to his heart. Mr. Fellows splutters and chokes, and finally ejaculates, addressing Richard*). Never mind, my boy, I was as blind as yourself. I never guessed—

DAISY (*archly*). Just as I told you. Men are so stupid.

HELEN. And no man can realize the depth of a woman's love.

THE END.





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