

A QUESTION  
OF DAMAGES

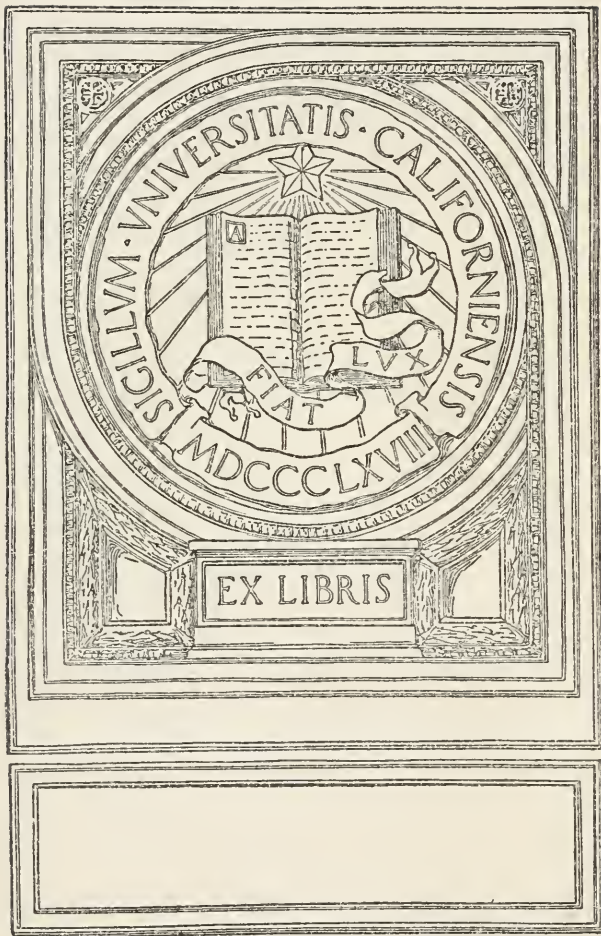
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A

# QUESTION OF DAMAGES

BY

J. T. TROWBRIDGE

AUTHOR OF "CUDJO'S CAVE" "NEIGHBOR JACKWOOD" "THREE  
SCOUTS" "TINKHAM BROTHERS' TIDE-MILL" ETC.

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A QUESTION OF DAMAGES

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# A QUESTION OF DAMAGES

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## I

### THE ACCIDENT AT CAMP CREEK

ON the last day of August, 1857, the afternoon express train met with an accident at Camp Creek crossing. Two cars went down the embankment, the forward one making a headlong plunge to the river-bed, and the other crashing into it. The water was shallow and there were no burning brands scattered to fire the wreck; it was found that nobody had been killed, although five or six passengers were more or less seriously injured.

The worst case was that of a man about thirty years old, with black hair and side whiskers, broad forehead, round chin sub-tinted by the roots of a closely shaven beard, and eyebrows pencilled in strikingly black lines across his pallid face. In dress and appearance he was a man of the world, probably a prosperous man of business; but nobody on the train was able to identify him. He was taken from the ruins insensible, with a bad gash in the back of his head, and a broken or dislocated shoulder.

Among the Camp Creek people who came quickly to the spot was Miss Lucy Tilbury, whose

home was in sight on the outskirts of the village. She was a fresh-complexioned blonde of about five-and-twenty, delicate and nervous, with sympathies so sensitive that often at the sight of suffering in others she would be overcome by distressing faintness. But at this time she showed extraordinary resolution, proving herself one of those timid and shrinking persons who unconsciously reserve great courage for great emergencies. She gave help where help was most needed, and finding that the crushed traveller was still alive, she directed that he should be carried to her father's house, toward which she led the way in haste to get things in readiness for his reception.

Mr. George Tilbury was a cabinet-maker, who had been compelled to leave his shop by some disease affecting the heart. His wife was dead; Lucy was the youngest of his children, and the only one remaining at home. He had a little property, but not enough for their support; and since his disablement Lucy had put her accomplishments to practical use by giving lessons in music. They kept no servant, the father himself doing the most of the simple housework while the daughter was engaged with her pupils. He was a mild-mannered, sweet-tempered person, with a low, pleasant voice, and a complexion of almost as delicate a pink as her own. He was exceedingly fond and proud of her; and so entire was her devotion to

him that she had never yet found a niche in her heart for the image of any one of her many admirers.

It was into this home that the bleeding stranger was borne on that memorable last day of August; an occasion of fright and horror to the gentle-souled George Tilbury, who returned from his afternoon walk in time to see the astonishing procession enter his door. But in his eyes Lucy could not do anything very wrong, and on learning what had happened, he said, "Of course! of course! You couldn't have done less, although" —

The sight of the tragic object on the dining-table, where the village doctors had ordered the body placed, and the prospect of turning his quiet home into a hospital for he knew not how long, appalled the poor man, but he repressed the objections that trembled on his lips, and repeated meekly and fervently, "Of course, darling! of course!"

He saw his house become a hospital indeed, with himself and Lucy the chief attendants. For a month it would have been dangerous for the patient to be moved, and after that they did not wish him to be moved. They hired a servant, and employed night watchers as long as night watchers were needed. The piano had to be silenced for a while, and Lucy dismissed those pupils who came to the house for lessons. She

still kept her engagements with others out of the house, but always hastened home after lessons to relieve her father, and administer with her own hands to the wants of the stranger.

He proved to be Mortimer Frenk, a broker of Albany. As the term *broker* has a wide significance, and may comprehend in its range persons as far apart as a pawnbroker and a shipbroker, let us specify that his line of business was "buying and selling commercial paper;" in vulgar phrase, note-shaving. That may be an honorable vocation, and I have never heard question as to his having pursued it honorably. He had commenced shaving notes in a small way while yet a clerk in the office which he had entered as errand boy, without a dollar, hardly a dozen years ago. He was now a partner in the business, in which, if the risks were considerable, the profits were proportionally large. Unmarried, social, elegant, with engaging manners and warm impulses, — such was Mortimer Frenk.

That enterprising spirit and handsome person of his had met with a narrow escape at Camp Creek; but surgical skill and good nursing brought him through. His partner, Furbush, ran up from Albany to see him, and in due time his lawyer paid him a visit.

## II

## THE LAWYER AND THE LADY

ONLY the shades of hovering death could dim Mortimer Frenk's keen eye for business; and no sooner had they cleared away a little than he began to look very steadily at the question of damages. Maimed for life, probably; weeks of mental and physical agony; enormous pecuniary losses, in consequence of his absence from business at an important crisis (for it was in the panic times of '57), — this was the side which he wished his lawyer to present strongly to the railroad corporation responsible for the accident, fixing his claim at the moderate sum, as he termed it, of twenty-five thousand dollars.

“I'm afraid the company will not consider it moderate,” observed the lawyer, with a smile. “However, it is well enough to start with a good stiff claim.”

“You don't think it too much?”

Frenk was lying, propped with pillows, in the bedroom which had been George Tilbury's before he gave it up to his guest; and as he put the question he levelled at his visitor a sharp glance from under his fine black eyebrows.

It was a plain, sensible, gray-shaven, quiet face

that answered him, with a shrewdly humorous expression:

“No; not if you can get it. But I trust you can’t.”

“How so?” said Mortimer Frenk.

“Because to scoop in that amount of damages, your case must be about as bad as you make it out, which I trust it isn’t. I don’t believe you are going to be maimed for life, Mortimer. And maybe the bad times will turn out to be better for your business than good times.”

“You talk like a lawyer on the other side,” said Frenk, with a shade of dissatisfaction.

“Very likely—to you. But to opposing counsel I don’t suppose I should talk in just that way. It’s well enough for you and me to be frank with each other, and see what we really have to build a case on.”

“That’s just what I want. But taking even your hopeful view of my condition, would you, Mr. Bradwaite, or would any other sane man, be willing to go through what I have gone through, the risk and suffering, to say nothing of money losses, for a paltry twenty-five thousand? No, you wouldn’t.”

“No, I wouldn’t,” replied the lawyer, with a business-like quietness of tone contrasting with the other’s vehemence. “That is true; and we will do our level best to get that trifling compensation of

twenty-five thousand, or as much of it as we can. It will not be a farthing too much — for us. But the company may think it a vast deal too much — for them. We put out our hand and say, persuasively, ‘Gentlemen, twenty-five thousand, if you please.’ They will make a motion of putting hand to pocket and reply, ‘One thousand, if you please.’”

“One thousand!” ejaculated the maimed-for-life Mortimer, with scowling scorn.

“It is contemptible,” said Mr. Bradwaite, keeping his quiet tone and pleasantly humorous manner. “But that is their side. As it is our policy to sing large, it is theirs to sing small. We will induce them to raise their notes by and by. Now, this is what we are coming at. What is the figure we must screw them up to, or fight?”

“Twenty thousand,” said the broker.

The lawyer shook his head.

“Fifteen thousand,” said Frenk.

Bradwaite shrugged and smiled.

“Twelve thousand, and not a cent less.”

“We will try for that,” replied Bradwaite. “But we shall be lucky if we get half of it. A jury might give us more, if we could go to a jury now. But before we can proceed so far, you will be about your business, a well man.”

“Possibly,” said Frenk, admiring his counsel’s good sense, while irritated by his lack of enthusi-

asm. "For that reason I think we ought to press for a settlement now."

"Precisely. Make the most of the romance and pathos of our side, while they are in full bloom. But we mustn't put up our wall too high for the other side to see over. Twelve thousand! I'm afraid they won't even try to straddle that."

Mortimer's eyes sparkled, his lips (they were rather handsome lips) quivered with impatience.

"I suppose I don't know anything about business, lying here on a sick-bed. I've been dreaming. You wake me from my dream with a dash of cold water. But no doubt you are right. Do the best you can. I leave everything to you."

"Perhaps that will be as well," said the impassive lawyer.

He waited to see the attending physician, and in the meantime talked freely with Lucy and her father, curious perhaps to know what sort of witnesses they would be if called in court. Mr. Tilbury thought him one of the fairest and most honorable men he had ever met. But to Lucy, her sympathies all excited in behalf of him whom she had helped to save from death, whose sufferings and sweet patience, and still sweeter gratefulness, made him almost an object of worship in her eyes, a hero of romance, — to her the lawyer, in speaking of his terrible hurts and their probable consequences, betrayed a deplorable want of heart.



## III

## THE LADY AND THE LETTER

MORTIMER FRENK could not be insensible to the devotion with which he had inspired so guileless and charming a girl. It troubled him a little, perhaps, when he thought of another girl whom he had lately deemed hardly less charming, if not quite so guileless,—the beautiful and bewitching Helen Wilde, of Troy. He was not always worrying about business matters when Lucy detected a certain absent and disturbed look in his expressive hazel eyes; he was sometimes wondering just how far he had committed himself with Helen, and whether he could honorably sever that connection.

He did not mean to wrong anybody; but he began to fear he had wronged himself in giving Miss Wilde so strong a hold upon him. Daily her image faded and grew faint, while that of Lucy burned itself into his soul, or what he would have called his soul, the sphere at all events of fancy and vanity and passion. In his convalescence the new love was an elixir of new life to him; and the time came when the old love and the old life, with all their obligations, were to be forgotten in the delirium of his present intoxication.

They had got to be on familiar and even affec-

tionate terms, when one morning she brought him his letters. There was one from his partner, and one from his lawyer, and one superscribed in a pretty feminine hand, which he quickly slipped out of sight. It was not the first time her curiosity had been piqued by that handwriting.

“If I were not in the room,” she said, with a laugh on her lips, but with a pang at her heart, “you would read *her* letter first.”

The serious tenderness in her glistening eyes, veiled by sweet pleasantry, became her exceedingly. He devoured her with his ardent gaze.

“I could never wish to read any woman’s letter with you in the room, Lucy!”

The significance which his tone and manner imparted to these words gave her a delicious thrill. But she pretended not to understand him.

“Oh, then, if I am in your way, I’ll leave you.”

As she was turning to go he put out his hand to her from the lounge where he reclined.

“Don’t, don’t go!” Somehow their hands met; he clasped hers. “You can never be in my way, Lucy. No other woman—all the women in the world can never be to me what you are.”

He drew her gently down to him; she resisting, and trying to speak as if his words had not flooded her with happiness.

“How can you talk so to me while you are receiving letters from her?”

“Jealous?” said Mortimer Frenk with a fond laugh. “That’s delightful; that shows that you care for me a little.”

“I care for you a great deal!” Having vainly endeavored to free her hands, she dropped on her knees beside the lounge, and talked with her rosy face almost too dangerously near to his. “Haven’t I shown that I do? But I have no right to be jealous. If I had I should ask you all about her. First her name” —

“Her name is Helen.”

“And where does she live?”

“She lives in Troy.”

“Helen of Troy!” laughed Lucy. “That is interesting. Now, if I had the right I should want to know just how much you love her. Oh, all about it, if it killed me.”

“It won’t kill you,” said he, “if I tell you that I don’t love her a hundredth part as well as I thought I did before I saw you.”

“But you have loved her?”

“A little.”

“Engaged?”

“Oh, dear, no! it never got so far as that,” said Mortimer Frenk, trying to believe at the moment that he was speaking the truth. “A little flirtation. But you have cured me of that!”

“Which means that you are now having a little flirtation with me; that you find me amusing just now.”

She strove to free herself again, but he held her fast. Helen of Troy was as much a phantom of the past as her classical namesake at that moment. In her place was this thrilled and palpitating creature, all love and loveliness, kneeling beside him, her dewy lips close to his, her breath on his cheek. He drew her nearer still, she no longer resisting.

IV

“IT WAS MY FATE!”

FROM the rapture to which he had yielded in this interview, Mortimer Frenk was awakened to a consciousness of unpleasant complications when he came to read Helen's letter. Pricks of conscience, along with half-sweet, half-painful stirrings of the old love, disturbed his present content, and made him curse his impulsiveness and indiscretion.

“What in the name of the Father of Lies shall I write to her?” was the question he put to his vexed soul, which his vexed soul could not answer. “Luckily, I've a good excuse just now for not writing. I'll take time and think it over.”

The more time he took the more easy grew his conscience, and the less necessity he felt of writing at all.

“It never was exactly an engagement,” he explained to himself. “Even if it had been, I should have felt obliged to break it, after seeing one who is so much more to me than *she* could ever be — who has done so much more for me than a girl like Helen Wilde would ever do! Why didn't she fly to me as soon as she heard of my accident? That's what Lucy would have done; the wings of the wind would have been too slow for her! She

has her own pride and selfishness to blame for the result. It's something *I* couldn't help. It was my fate."

So he destroyed the letter, as he had already destroyed the previous ones from the same writer, and tried to forget it. And when Lucy, who could *not* forget it, asked him about it afterward, less from jealousy than tender concern for one who had perhaps loved the man she loved, he answered lightly:

"No, I haven't replied to it yet; there really wasn't much to reply to. Expressions of sympathy, hope for my recovery, and that sort of thing. I shall write and thank her sometime."

"I don't see how she could *help* thinking a great deal more of you than you are willing to admit," said the admiring Lucy.

"You judge her by yourself," said the flattered Mortimer. "But she belongs to a different order of the Lord's creatures. It isn't in her to think more than one-tenth part as much of any man as she thinks of her own precious self. It was but a stingy little bit of her heart she gave me; she had given as much to a dozen men before, and she will make a transfer of the same to the next who comes along. In fact, she has probably done it before this."

"Have you her picture?" Lucy inquired, not quite satisfied.

“I don’t know—I think so. I really haven’t looked since my accident.” He opened his pocket-book. “Ah! here’s the lady!” drawing out a card photograph with his well hand. “There’s your Helen of Troy.”

Lucy’s eyes grew intensely earnest as she studied it.

“She is beautiful!” she said in a tone scarcely above a whisper. “Mortimer,” turning a troubled look on him, “you must have loved her!”

“She’s a girl to be admired, not loved,” he answered carelessly. “There never was much between us, and that is all over now that I have you.”

“But you will return her picture?”

“No, indeed! That would be making too serious a thing of it.”

“She has yours?”

“Yes, just as twenty other of my lady friends have. That’s nothing. Everybody exchanges photographs nowadays.”

A smile stole into Lucy’s troubled face. “I want you all to myself!” she said, avariciously. “But you mustn’t make anybody else unhappy.”

“No danger of that!” he replied, and lightly turned the conversation to his question of damages. “Do you know why I am so anxious to get a large sum, and to get it now? It is to make you a wedding present of it; to show my gratitude; to pay

the most sacred debt of my life. If I could get a hundred thousand instead of the ten or twelve I expect, it should all be yours, in your own right."

"Oh, how good you are! But you know, Mortimer, I do not want anything, except for your sake and my father's."

It had already been agreed between them that her father's home should be with them. Mr. Tilbury had taken a great liking to Mortimer, and rejoicing in his daughter's happiness, he approved of all their plans. She had given up the last of her pupils, and it was arranged that the wedding should take place early in the spring. Then Mortimer left her to prepare for it, and with his arm in a sling set off one December morning to return to his long-neglected business.

And now for the pain of separation Lucy found exquisite solace in his letters. It was joy to anticipate them, and even livelier joy to receive and read and reread them, and still return to them long after she knew every word in each by heart. Parts of them she read to her father, whom she made her confidant in all except the precious postscripts, meant only for her eye; and many a long winter evening they sat talking over these delightful matters and the graces and virtues of the writer.

They retained their servant, and now dress-maker and seamstress were busy in the house.



Although Mortimer had not yet made Lucy the promised wedding present, for the reason that the railroad people couldn't be brought to a satisfactory settlement, she spared no expense out of her father's savings and her own small earnings in preparing for the happy change.

So things went on till March. Mortimer had written every day at first; then two or three times a week; then only on Sunday; and at last even his Sunday letter failed to come. Still, in reading over those of the last month, Lucy would not admit to herself that they betrayed any falling off in affectionateness, and she excused his silence on the ground of overwork and want of time, of which he often complained.

She feared he might be ill, and, continuing to write with unabated faith and devotion, inquired anxiously for his health, telling him at length that she would certainly go to him if she did not hear from him soon. Then — it was the third week of that dreadful silence — he wrote briefly, saying that he had been ill, but was better; that he had been sadly harassed in his affairs, and that he feared the wedding could not take place so soon as they had planned.

Then silence again on the part of Mortimer Frenk.

## V

“SICK, OR DEAD, OR A DEVIL?”

ONE day in June a man of delicate complexion and diffident manners entered the office of Jay Bradwaite, in Albany.

“I see you don’t remember me,” he said with a feeble and anxious smile, as the lawyer looked up from his desk.

“I ought to; your face is familiar,” Bradwaite replied, dividing his attention between his papers and his visitor.

“I am from Camp Creek,” said the man in a soft, almost tremulous voice.

Thereupon the lawyer turned from his papers abruptly and gave George Tilbury a friendly hand.

“I remember you very well indeed! Sit down. How are you? and how is Miss Tilbury? She has been in my mind lately.”

Perceiving the man’s embarrassment, which arose partly from diffidence, but still more from some strong emotion he was endeavoring to control, Bradwaite talked and reassured him.

“My daughter — is not well,” faltered the visitor, settling himself in a chair and holding the arms nervously with his restless hands.

The lawyer's gray-shaven face expressed sympathy. “Nothing serious, I hope?”

“I hope not. She may — recover her health and spirits.” Occasionally something came up in the speaker's throat and interrupted his sentences. But he went on manfully: “It is on her account I — have come to see you, Mr. Bradwaite.”

“It will give me great satisfaction to do anything for you or your daughter. From what I have seen and known of you,” the lawyer added, his fine, metallic tone of voice striking a key below that of mere compliment, “I have great respect for you both.”

“Thank you,” said Tilbury, taking a long breath. “It is your personal, not your professional, advice I want. From what I saw of you at our house, I made up my mind that you were a fair and honorable man, although a lawyer.”

“‘Although a lawyer’ is good,” said Bradwaite with a smile.

“Beg pardon; I meant no offence. What struck me was that you were not like many lawyers; that you were a man before you were a lawyer, and a man all the time.”

“I trust you will never have cause to think yourself mistaken,” was the other's dry comment.

“I trust so. I have been mistaken — sometimes.” (The catch in the throat again.) “Perhaps you can guess what brings me to you.”

“ I suspect.”

“ I come for information. May I ask if you are aware that Mr. Frenk engaged himself to — marry my daughter? ”

“ I was not aware of it,” said the lawyer, without betraying the least surprise. “ Yet I judged from what I saw at Camp Creek that an attachment was likely to spring up between them.”

“ They were to be married in April. She never cared for any man before. She had given up some of her pupils in music to assist me in taking care of him; and then she gave up the rest to get ready for the wedding. But all at once his letters stopped coming. He said in his last he feared the day would have to be put off, and not a line has she had from him since.”

“ How long ago? ”

“ Something more than five weeks. Lucy has written letter after letter and got no reply. And I ” — after a sort of double or triple catch in the throat George Tilbury continued: “ I was beginning to think he might be a villain.”

“ I think you are mistaken there,” said the lawyer impassively. “ Mortimer Frenk is not what one might call a villain.”

“ I shall be glad to know it. His treatment of my poor Lucy, if it is not villany, is something very strange, to say the least. It has nearly killed her and me too. I couldn't endure to see her in

such distress, and I said at last I would run down to Albany and learn if he was sick, or dead, or a devil. But I find — I inquired at his office before coming here — that he is off on a journey.”

The lawyer gave a nod of assent.

“I couldn’t hear when he would come back, nor much about him. There seemed to be some mystery, something covered up. And so I — I came to you for information, as I said. Being his lawyer, I thought you might be able to tell me something.”

“You have come to the right man,” Bradwaite replied quickly, “though I am not his counsel.”

“You were — in the railroad case?”

“But I am not now.”

“Then that is settled?”

George Tilbury remembered what had been promised Lucy when the damages should be paid, and he put the question anxiously.

“Not at all,” replied the lawyer. “Frenk gave me once full powers to settle, but afterwards revoked them when I had almost committed our side to a compromise. The company offered \$5,000, which I thought liberal; but after I had got them up to that notch he backed out and insisted on \$7,000, and so I threw up the case. He has since found somebody to give him advice which I would not give, much as it might have been for my interest, and he has sued for \$25,000.”

“ I think it was a mistake,” said George Tilbury. “ He should have settled it, if he could get five, and keep it out of the courts.”

“ Perhaps he will think so himself some day. But he has colossal ideas of damages,” said Bradwaite with a smile. “ May I ask you a question or two ? ”

“ I shall be pleased to have you.”

“ It was a positive engagement ? ”

“ Decidedly ; fully understood and talked over by him and Lucy in my presence.”

“ Anything about it in those letters ? ”

“ The first few were full of it. Even the last, as I said, alluded to it, in saying that the wedding might have to be postponed.”

“ Do you remember the exact words used, in any case where the engagement is spoken of directly, or implied ? ”

“ Perhaps not the precise words ; but ” — George Tilbury hesitated, putting his hand to his heart. “ I have the letters here.”

“ That’s lucky ! ” said Jay Bradwaite.

“ They were taking her life out of her. She couldn’t let them alone, and she couldn’t read them over again without suffering terribly, since he ” — George Tilbury swallowed hard at something, and resumed huskily : “ At last I got her consent to let me take the letters and return them to Mr. Frenk, and get back hers, in case I — in case I could get no better satisfaction.”

“And you brought them with you for that purpose?” For the first time the cool attorney showed surprise.

“I thought it the best thing I could do.”

“It’s the most foolish thing you could do. Lucky you didn’t find Mr. Mortimer Frenk!”

“I don’t understand you, sir.”

“I’ll explain myself. Mr. Mortimer Frenk has, as I said, titanic notions of damages. Now, it would be a satisfaction to see him live up to them. There are in life other injuries than those a person may receive from a railroad accident.”

“Oh, sir! neither Lucy nor I would ever consent to” —

“Never mind about that. Did he pay you for the trouble and expense you incurred in taking care of him?”

“Never. He sometimes spoke of it and said that Lucy should have what he got from the railroad company.”

“Oh! did he!” There was sarcasm in the lawyer’s tones. “That was liberal. But I’m afraid he’ll find another use for the money now. He’s married.”

## VI

“JUSTICE FOR MY POOR LUCY!”

“MARR” — gasped George Tilbury, settling back in his chair with a stunned look.

“Yes, my dear sir,” said Bradwaite relentlessly. “Miss Helen Wilde, of Troy; an old flame of his; she’s the fortunate — or unfortunate — woman. Two weeks ago. That’s the reason why you couldn’t find him; he’s off on a little wedding tour.”

“My poor Lucy!” murmured the stricken father.

“I’m glad you came to me,” Bradwaite went on, with a steady, quiet glitter in his gray eyes. “And I’m glad I’m not his counsel. I’m not anxious to be yours, either; but let me give you a piece of advice.”

George Tilbury answered only with a hopeless, helpless, appealing look.

“Those letters,” added the lawyer, throwing out his fingers at the other’s breast pocket, “they are worth \$15,000; possibly more, certainly not less. And I,” with a sarcastic laugh, “I have ridiculously small ideas of damages!”

“I didn’t think he was such a damned scoundrel!” said George Tilbury, not profanely, nor revengefully, but in a desolate, broken-hearted way



pitiful to witness. “I wish Lucy was with her mother in heaven.”

“Oh, no, you don’t,” said the lawyer cheeringly.

“No, I don’t. It was a wicked wish to wish her dead. But now, how shall I tell her? I never can. Oh! if she and I could both be carried to our quiet graves to-morrow!”

Mr. Jay Bradwaite winked the moisture from his own eyes at sight of the man’s emotion, cleared his throat, and resumed:

“It’s bad enough, no doubt; but it isn’t so bad as that. You are tolerably well off?”

“No,” said George Tilbury, “I am a poor man. A cabinet-maker by trade. I could always get a good living when I was able to work. But I’ve had a heart trouble for three or four years. Since then Lucy has supported the house by teaching the piano.”

“And she has given up all her pupils, you say. And now,” proceeded the lawyer, watching his visitor carefully, “it will be hard for you to see her go back to those lessons.”

A look of abject misery was the only response.

“For her sake — I am not talking now as a lawyer, but as a friend — for her sake take care how you put those letters into the hands of Mortimer Frenk. Put them rather into the hands of some good lawyer you know. It is one of the most flagrant cases that ever came under my ob-

ervation. I should like to see the wrong righted as much as the law can right it, simply as a man. If I were her father I hardly know how I should feel. Certainly, putting all notions of false delicacy aside, I should want to see her recompensed in some way for what she has suffered — relieved from the necessity of the daily lessons, and from the prospect of poverty in the future.”

“ I doubt if she will ever be able to resume her lessons.”

“ Then see where you will be. I know it must be repugnant to your feelings to think of making a profit out of her blighted affections. But it is not a matter of profit. It is a matter of justice, of daily bread, health, and life of which this man of double engagements has deprived her. Why, sir, I have positive knowledge that he was engaged to this Helen Wilde, whom he has married, all the while he was making love to your daughter.”

George Tilbury sat silent a moment, fumblingly buttoning and unbuttoning his coat over the letters in his pocket. Bradwaite waited for the effect of his words.

“ What you say is just,” the cabinet-maker said at length. “ I am satisfied that Lucy will never marry, after this. I can’t bear to think of her wearing her life out trying to support herself and me. Perhaps — I don’t know — maybe I ought to do something. If I could put the case into

your hands” — He paused, regarding the lawyer anxiously.

“After advising you as I have done, I should prefer to have you employ other counsel,” said Bradwaite.

“I couldn't tell her story and make my complaint to anybody else,” Tilbury replied, shrinking with pain at the thought.

“Very well; I undertake it. Give me those letters.”

“Can I? Must I?”

“It will be best. Of course I shall make no unjustifiable use of them.”

“Engaged to that other all the while he was winning my girl's affections! Promising to make her a present of what he got from the company, perhaps to avoid meeting his obligations! I wouldn't have believed it!”

The miserable man mused a moment, then took a package from his pocket.

“I don't know what my girl will say, but I trust you, Mr. Bradwaite. Get justice for my poor Lucy if you can — but — excuse me — I am not well. Oh, my poor, dear girl!”

He attempted to rise, but gasped and reeled and slid down in his chair. Bradwaite caught the package of letters as it was falling from the relaxed hand. He saw that it was no ordinary faintness that had come over the unhappy man and,

remembered with alarm what he had just said of the trouble with his heart. Lifting him to the office lounge, he stretched him upon it, limp and quivering with a faint convulsion, then sprang to the door and summoned help.

## VII

### “BRADWAITE HAS THOSE LETTERS”

NO, Mortimer Frenk was not precisely a villain, whatever his conduct may have made him appear. He would not have answered at all to sit for that character in a highly-wrought drama or novel. If lacking in moral principle, he was likewise void of malice. If selfish, he was not without traits of generosity—at once calculating and impulsive.

As he had put off writing to Helen of Troy when under Lucy's influence, so he had shrunk from the still more humiliating task of confessing the truth to Lucy after he had fallen once more under the dominion of the old love. He may have perceived in a general way that in this, as in other affairs of life, honesty was the best policy; but he couldn't resolve to practise it, so much easier it seemed to let things drift. He would have said that he dreaded giving Lucy pain, which was, no doubt, true; but it was equally true that he dreaded giving himself pain. In shirking heroic duties, it is vastly convenient sometimes to flatter ourselves that we are benevolently sparing the feelings of others, while the odds are that it is simply our own weakness we are indulging.

So things drifted until, returning with his bride

from their wedding trip, he heard of the death of Lucy's father in Mr. Jay Bradwaite's office. That tragic circumstance caused some talk in Albany circles, and gave a wholesome shock to his procrastinating conscience. Perhaps a suspicion of what might have been her father's business with the lawyer had something to do with quickening Mortimer Frenk's resolution. He longed to have a few words with his former counsel on the delicate subject, but couldn't make up his mind to seek an interview that might prove more embarrassing than satisfactory. After spoiling a good many sheets of note-paper, he managed to evolve from a chaos of doubts and qualms and confused motives a tolerably straightforward letter :

“Lucy, I am a weak mortal, but not quite the heartless ingrate circumstances must have made me seem in your eyes. If I could explain all, then you would surely forgive what you must otherwise consider my unpardonable conduct. I never meant to deceive you, Lucy, or wrong you in any way; I would rather, far rather, have perished in that accident from which you helped to save me than harm so much as a hair of your head. In all my vows and promises to you I was the soul of sincerity, believing myself at the time free from a certain other claim of which you knew something. But too late I found myself mistaken,

and then, when I ought to have told you everything, and flung myself for mercy at your feet, I delayed, because I could not bear to grieve you, and hoped time would help you to forget, though *I* can never forget, what I owe to you and your noble father, whom I hardly dare mention, for fear of opening fresh wounds in your heart. Can you ever forgive me? No, I cannot hope it. I do not deserve that you should. I would gladly give my life at this moment to atone for the past, but that cannot be. If money would atone, how willingly would I give all I possess! But that would not be much. I have met with heavy losses in my business, and I have not yet been able to bring the railroad company to a settlement, and don't know now that I ever shall. It may seem a mockery to you, but it is a relief to me, to send you a trifle towards the discharge of pecuniary obligations. Enclosed please find my check for five hundred dollars (\$500). And if you will write me one kind word and return my letters, I will send you yours, or destroy them if you wish, and remain

“Your grateful, unhappy

“MORTIMER.”

Frenk was well satisfied with this composition, on reading it over carefully and dotting the i's. He was, however, a little afraid that he hadn't touched in the unhappy strokes and the poverty

business quite strongly enough; and perhaps a check for four hundred would have answered every purpose. But he was getting tired of dotting and copying; and he concluded it was better to err on the safe side, both as to the money he proffered and the misery he professed. For a man in his honeymoon to lay himself out in too melancholy a fashion at the feet of a girl he had jilted might seem a trifle ridiculous. He hoped that the note and its contents would serve to soothe Lucy's sorrow. If he could have read his own heart he would have found himself hoping still more earnestly that it would restore him to her esteem; while under all lurked his chief motive in writing — the wish that it might move her to send back his letters. As for her letters — well, he would trust to luck that she would reply, "Destroy them," since he had already taken a married man's precaution in committing them to the flames.

It was now his turn to wait anxiously for an answer. Weeks passed and none came. There was no news of the check at his bank either, and this was an added cause of solicitude. He met Jay Bradwaite occasionally on the street, but as that gentleman did not seem inclined to have any talk with him, he merely returned his salutation and passed on, with polite smiles concealing his tortures of suspense. Meanwhile Albany society regarded



the handsome husband of the fair Helen as the most enviable of men.

At last, when he had almost ceased to look for it, he spied in the morning's mail on his desk an envelope superscribed in the remembered graceful hand, though somewhat feeble and wavering, and opened it eagerly. The first thing that caught his eye was his own neatly folded \$500 check. With this was a brief note, as follows:

“It was a long while before I learned that a letter from you had come for me, and even then I was not able to acknowledge it. I have been very ill; let that be my excuse for not returning before this the money which you must have known I could not accept. I beg your will not write to me again, for I am very sick; I cannot bear much. I do not send your letters because I haven't them; my father took them to return them to you when he made that last journey which cost him his life. Do what you please with mine.

“LUCY.”

Mortimer Frenk compressed his lips and held his breath while he read this letter, and broke into a cold sweat when he had finished it. What it refrained from saying was more eloquent than any reproaches could have been. How different in that respect from the letters written by his

Helen of Troy, when *she* had him to arraign for cruelly deserting her! Between the lines traced by the sick girl's hand he read things more potent in their suggestiveness of wrong and sorrow than if they had been weighed in words and bounded by expression. Accusations put into forms of phrase that may be answered are half answered already. It is the unuttered complaint, left to our own tardy sense of justice and the imaginations of remorse, that speaks with infinite meanings and makes the day of judgment in the soul.

From a long and painful revery Frenk awoke to the business considerations of the letter. Why could she not accept his offer of money? Wasn't it enough, or did she regard it as the price of blood, an attempted paltry payment for wrongs against which all the wealth of the world could not turn the scales? And why did she say *he must have known* she could not accept it? There were stings in that, for a proud fellow like Frenk.

But his troubled thoughts finally centred in the question of those unreturned letters. She did not say she would have sent them back if she had had them; yet it seemed that she had once intended to do so; and though he was glad to have escaped an interview with her father, which could hardly have been otherwise than embarrassing, to say the least, he bemoaned the ill-luck which had pre-

vented him from receiving the desired package. Now, what could have become of it?

“After inquiring for me here,” the broker reflected, “he seems to have gone straight to Bradwaite’s office, where he died. I’m thankful he didn’t die in my office chair!” (He shuddered at the thought.) “But, confound it, Bradwaite has those letters!”

## VIII

## THE DEAD MAN'S CHAIR

AFTER taking three days to think the matter over and brace up his resolution, Frenk one morning mounted the stairway of Baldwin's Block, and halted at a door on the ground-glass of which, lettered in blue, were the words, "Jay Bradwaite, Counsellor-at-Law." He had been there many times before on a more hopeful errand than that which he had now at his fluttering heart. He couldn't help the untimely recollection that George Tilbury had been there since; and on entering he would have been grateful for some sign that would enable him to avoid the dead man's chair.

But he was fresh and cheerful as to countenance, trim and well brushed as to dress and whiskers, likewise tall and gracefully bending as to form, when the lawyer looked over at him from a book balanced on his knee by an open window. Doves were fluttering and cooing behind him on the outer sill, where he had just been feeding them.

"You make an interesting picture with that window for a background," said the former client. "It seems an odd recreation for a lawyer — caring for doves!"

"We are not all hawks and owls," Bradwaite

replied, laying a mark between the open leaves of his law-book. "Once in a while we battle to rescue a dove from such birds of prey; I do. What can I do for you to-day?"

That is the sort of question to put when you wish politely to intimate to your visitor that he is expected to come at once to business and depart when business is done.

"It's a long while since I have seen you," Frenk replied with affected carelessness, helping himself to a chair (he hoped it wasn't *that* chair).

"Yes, and things have happened," said the lawyer, "which I suppose I ought to congratulate you on. You've quite recovered from your hurts, I see; looking wonderfully trig for a 'mashed fire-man with breast-bone broken'!" (Bradwaite was a reader of Walt Whitman, whom he did not take seriously.) "Pretty well, in short, for a man maimed for life!"

"Oh, I'm not so fully recovered as you think," said Mortimer, irritated by the man's sarcasm. "My doctor" —

"Well, then, I'll congratulate you on something else," interrupted the lawyer. "How is Mrs. Frenk?"

"She is delightful," Frenk replied, rallying and assuming to be very much at ease as he dangled one leg over the other. "Why don't you ever call and see us?"

“The truth is, I have no time except for business and my intimate friends.”

Frenk dangled his leg (it was a rather long one, handsomely pantalooned and booted), and played with a paper-cutter he took up from the desk, and grimaced blandly, wondering whether he had better take offence at these remarks or appear not to mind them.

“I have called partly on business,” he said, with a smile which could hardly be called spontaneous. “Miss — Tilbury — has written me about some letters — old letters of mine — which were to have been delivered to me by her father. I understand they are awaiting me here.”

“You don’t understand any such thing,” the lawyer answered curtly. “Nobody knows I have any such letters. You surmise that I may have them; and I will do you the justice to add that your surmise is correct.”

“The same thing,” murmured Frenk, wishing he could afford to get angry with this cool, provoking attorney.

“Not at all. You wished to imply that Miss Tilbury had told you I had them, and had given you authority to call for them.”

“She certainly tells me the letters were sent to me; and I construe that as sufficient authority.”

“By no means, my good fellow. Her father, after certain things had happened which I need

not mar the harmony of this interview by enumerating, took those letters to return them to you. When he found that you had not only discarded and deserted his daughter, but that while she was waiting in such agonies of mind as coarsely organized mortals like you and me, Frenk, cannot even comprehend,—that while she was thus waiting for one honest word you did not write, you were already a married man enjoying your honeymoon,—why, then he naturally changed his mind.”

Mortimer had turned pale.

“How — changed his mind?” he inquired in a forced voice.

“He put the letters into my hands.”

“With what object?”

Bradwaite laughed quietly. “That’s an odd question for a man with your notions of damages. What could have been his object?”

War having been thus declared, Frenk rallied again, and said with an air of defiance:

“Why haven’t you commenced a suit, then?”

“There was no need to hurry about that. I wished to consult Miss Tilbury; she has not been in a fit condition, and it wouldn’t be safe to agitate her. Perhaps you are not aware that you were much nearer killing her than the railroad people were to killing you. You did kill her father, let me tell you. He died in that very chair.”

## IX

## THE LAWYER WHO CARED FOR DOVES

WITH keen eyes and alert, but tranquil, gray-shaven face, the imperturbable Bradwaite watched the effect of these slow, even, determined words. Frenk sat dumb for some seconds; his handsome black eyebrows pencilled once more on a countenance almost as white as that we saw taken from the crushed car. Then he began to mumble forth his wretched apologies.

The lawyer merely nodded. To deign no further answer was more effective than any argument could have been. The sagacious man of the world used from policy the same reticence that weakness and the weight of woe had imposed on Lucy. Thus met, Frenk's explanations became an incoherent mumble and died on his lips. Then Bradwaite said sharply:

"Well! what do you propose to do?"

"I don't know what to do. I sent her some money a month or more ago, and she has sent it back."

"How much?"

"Five hundred dollars."

"Five — hundred — dollars. Well, Mortimer Frenk, suppose, after you had lain several weeks



on your bed of suffering, as you called it, and tried in vain to get a word of satisfaction from the railroad folks, — suppose they had at last sent you a check for f-i-v-e h-u-n-d-r-e-d” (Bradwaite seemed to be counting the money as he slowly repeated the words), “what would you have done?”

“If intended as a settlement of my claim I — no doubt I should have sent it back.”

A significant nod from Bradwaite. “You would have sent it back. How much money had you given her before that?”

“I — before that? I can’t say I ever gave her any.”

“I mean when you were sick in her father’s house; when they took care of you, and hired a servant and engaged night watchers, and she dismissed her pupils, and he gave his time and strength, and nothing was spared which first your life and afterward your comfort required. How large a part of all that expense incurred on your account did you meet at the time?”

Frenk colored with confusion, and endeavored still further to explain.

“I am aware how I — how my apparent neglect in that matter — must strike a person who does not take into consideration all the circumstances.”

“Oh, yes, the circumstances — how you, as soon as you were able, applied yourself assiduously to

making love to the daughter, thinking perhaps to pay in that way for the trouble you were giving, like the young man who advertised for board in a family where his Christian example would be considered a sufficient compensation. I don't overlook your noble efforts in that direction. But what I ask is, how much cash did you fork out?"

"It was panic times, you remember; money was very tight with us, and expecting you would bring the railroad folks to a settlement"—

"Expecting I would do what you persistently prevented me from doing. Very well; what has that to do with it?"

"Whatever I should get from them I promised to Miss Tilbury."

"You promised to marry her, too. But we are not talking about unsubstantialities. I ask, how much actual cash did you hand over for the trouble and expense you caused them?"

"Not any, until that five hundred"—

"Not a cent, until after you were married and honeymooned, and she was heart-broken and her father dead, and you knew he had died in my office; then, surmising what he had come to me for, you sent her a check which you hoped would settle all claims, pecuniary and other. That from a man with your mountainous ideas of damages! Come now, Frenk!" and the lawyer laughed.

"We may as well come to the point at once,"

said Mortimer, smarting under these thrusts. "How much do you want?"

"I'd rather leave the amount for you to fix. Then we shall have something handsome. You have views on such subjects that are worth the while. Mine are too narrow."

"What's the use of joking about so serious a matter? I'll give you \$1,000, Bradwaite, for those letters and a receipt in full for all claims."

"It is you that are joking, Mortimer Frenk! A thousand? Why, you wanted \$25,000 for merely physical injuries. You were laid up for nearly three months; and consider how agreeably entertained you were in your convalescence. Moreover, there was no villanous intent on the part of the railroad company. They were not personally to blame for the breaking of the axle that threw the cars from the track. But you, as there is a Ruler in heaven," Bradwaite went on, with subdued yet terrible emphasis, "you have a heavier account to settle for what you have made Lucy Tilbury suffer. Your bodily injuries alone have been nothing to hers. You are about your business again; you have had your nice little wedding journey; you are still an ornament to society; you have a charming wife, a bright future. But she? I doubt that she ever recovers her health. She may possibly get back the pupils she dismissed, but she will no longer have heart or strength for the

lessons. Her father is in his grave. It isn't probable she will ever give another the heart you won and flung away. I see before her only desolate years and poverty and hard work, while you, Frenk, are aiming to be ranked a millionaire. A thousand dollars? Oh, fie!"

"I see no possibility of our coming to terms," muttered Frenk, with the coldness of despair.

Bradwaite leaned back in his chair, and replied in a tone of easy indifference:

"That depends on you. If you should change your mind before twelve o'clock," looking at his watch, "let me know and save trouble. Good morning."

Frenk remained fixed in his seat. Although, as we have intimated, there was but little of the malignant fiend about him, he could have found it in his heart to murder the agent of human and perhaps divine justice who was thus putting him to the rack.

"What do you mean by saving trouble?" he demanded. "We may as well speak plainly."

"My dear sir," said Bradwaite, with a dry laugh, "I fancied I *was* speaking rather plainly. But I don't mind adding that I meant the trouble to myself of attaching your various bits of property to the tune of \$30,000, and the trouble on your part of defending a suit regarding which there can be but one question — the amount of damages."

“Thirty thousand!” said the appalled broker.

“I say thirty because I have inadequate notions of such things, as you know. If you could make up a mouth to say twenty-five to the corporation, I am aware that I ought to say fifty or sixty to you. But I am a modest man; and I try to be a just man. I ask for my client only what is right and what I see to be within the range of possibilities. If you oblige me to bring suit it shall be for \$30,000—not a cent less; and I sha’n’t wait for you to put your property out of your hands, either.”

“I don’t want a suit of this sort,” said Frenk through his closed teeth.

“Once in a while you make a remark characterized by good sense and veracity,” commented the lawyer.

“But I am not going to be frightened.”

“Nobody thinks of frightening you.”

“I should like to know, however, what you propose to settle for.”

“When Mr. Tilbury sat in that chair where you are sitting now and told me his heart-rending story, and gave me those letters, I said they should net her \$15,000. I stick to that. I shall make no charge for my services, unless I have to sue you. In that case we go for the larger figures, so that everybody may have a plum.”

“You know very well,” said Mortimer, “\$15,000 would clean me out.”

“I know very well it wouldn't. While you were laid up with broken bones, and suffering those imaginary losses the corporation was to pay for, your business, conducted by your partner, who knows a great deal more about it than you do, was more profitable than ever before. You are worth to-day \$40,000 or \$50,000. Spare the girl, whose happiness and prospects you have blighted, \$15,000, as you well can, — that at 6 per cent. will give her \$900 a year to relieve her from drudgery and want.”

“You said you were waiting to consult her.”

“I sha'n't wait any longer. If she was well enough to return your little check in so business-like a manner, she will be well enough to give this affair the trifling attention it may need. It won't need any at present. I shall act at once under the old instructions.”

“You ought to give me a little time to think of it.”

“True. I forgot you were a married man. Perhaps you would like to talk it over with your wife?” Mortimer winced; evidently she was the last person he would wish to have know of this new question of damages. “I'll give you till to-morrow at twelve o'clock. But none of your tricks meanwhile. If I hear of a move toward one on your part — clap! I have everything ready, and the papers will be served at once.”

“You will say something less than \$15,000 if I bring you cash in hand. You will say \$5,000.

Frenk made this suggestion doubtfully as he rose to go. Bradwaite answered without stirring from his chair:

“Not five, nor ten, nor fourteen, nor anything less than the exact sum I have named. Fifteen thousand in fist, or a scramble for thirty! I am doing business in my own way now, not in yours. I begin at the exact figure where I mean to leave off, unless you compel me to go up a step.”

“I am sure Miss Tilbury would not approve of this grab,” said Frenk, moving toward the door.

“She will approve of whatever I do.”

“You have seen her?”

“I have. It was on me the duty fell of carrying to her the news of her father’s death — and its cause. I am a busy man, but I couldn’t do less than run up to Camp Creek to break as softly as possible that double stroke to her — her lover’s marriage, her father’s death. May my good angel save me from the necessity of ever carrying another such message to man or woman!”

The lawyer’s voice, usually so level and firm, had a tremor in it as he uttered this fervent truth. Frenk made no reply, but with a mightily perturbed countenance left the room.

## X

## MORTIMER FRENK REVISITS CAMP CREEK

IF by some Asmodean magic his mental roof could have been lifted and his thoughts made visible, the newly married Mortimer would hardly have been so much envied for the next bad hour or two. It was like sweating his heart's blood to think of paying the price fixed by Bradwaite for his inordinate folly. Burning regret for what had brought his punishment upon him, and fear of yet more distressing consequences, took the place of remorse in this man's nature; and he forgot Lucy's misfortunes in agonizing over his own.

He looked wildly in many directions for some way out of his entanglement; but difficulties met him on every side. Impossible to put his property out of the reach of one who knew as much about it as his former counsel did. Any attempt of the kind would be sure to precipitate a crisis; and even if successful, what public scandal and domestic storm would Bradwaite make it cost him. His Helen was of a jealous and exacting disposition, and already knew too much of the cause of his temporary alienation from her. What if she should know all?

If the case should get into court and those let-



ters of his go in as evidence, to appear afterward with flippant head-lines and ironic comment in the Troy and Albany newspapers, — oh, Mortimer Frenk! It was the horror of that vividly imagined result which cowed his spirit whenever in desperate moments he thought of turning at bay and making a fight of it. He could not believe a jury would give the plaintiff \$15,000. How stupendous the damages loomed, now that he was on the other side of the question! After looking awhile at the avalanche of woe a lawsuit would bring down, the sum did not seem to him so appalling, and he found comfort in the thought that money would cover his escape. But when he turned again to consider the amount from the point of view of business, it expanded to frightful proportions, like the evil genii of the Arabian tale rising out of the bottle.

Once, as he walked the streets, he started to go back to Bradwaite's office, and there end his agony by making the best terms he could. Then he resolved to consult his own lawyer first — a step, however, which he shrank from taking; and there was one black moment when he was half-minded to go home and confess all to his wife, bow his head to the hurricane, and abide by her advice.

As a last resort he caught at a cobweb which had been hovering all the while before his eyes,

now a vanishing gossamer and again as something substantial to the grasp: he would appeal to Lucy.

He hastened to his office with the intention of writing her another letter, and began two or three. Having torn them all, he suddenly started up, looking at his watch. There was just time to get the train for Camp Creek.

Despatching a message to his wife and leaving word in the office that he would not be there in the afternoon, he walked out with a nonchalant air, and had ample time to regret the dubious enterprise when he found himself speeding away on the train toward scenes he dreaded to revisit.

He lived his trouble all over again in that journey of near two hours, and prepared in his mind a vast deal of pathetic and persuasive language to be used in the interview he was going to seek. Arrived at Camp Creek, he walked directly to the Tilbury house, so eager to secure an advantage for himself that he thought little of the shock his coming might be to Lucy.

He was not pleased to see the servant he knew receive him at the door. Evidently the pleasure on her part was as moderate. To his first humble question she answered coldly:

“She is always in; she is not able to go out.”

“Do you think — will she see me?”

“I don’t know any reason why she should.”

“There are reasons,” said Mortimer, regretting that he had not been a little more open-handed with this spirited Yankee girl in the past. “Will you tell her I wish it very much?”

“I’d rather not. She knows you are here, and if she had wanted to see you she would have told me so.”

“What did she say?”

“She said she couldn’t meet you. The sight of you from the window was enough.”

The tall Mortimer stood pale and agitated at the door which had once been opened to him with boundless hospitality. He had once felt himself almost the master of that house; and now a pert village girl could outface him there and bar his entrance. Was he to be thus baffled? Was his journey in vain?

“Please say to her that it is a matter of very great importance—that I wish to speak with her only a moment.”

“Of great importance to her, or to you?”

“To both.”

“If you insist, I suppose I must tell her.” And, leaving him on the doorstep, the girl went reluctantly to do her errand.

She was gone several minutes, Frenk gnawing his lip the while with doubt, remorse, chagrin, and a strong swelling up of the old passion which Lucy had inspired, and which the thought of his near-

ness to her now revived. How could he ever desert her as he did, and go back to his Helen of Troy? How she must have loved him to take the disappointment so much to heart, and what happiness might still be theirs but for the obstacle which he felt that his weakness, not his will, had set between them! If she would only consent to receive him, he was sure he could work upon her sympathies, gain her forgiveness and perhaps retain her love, and head off Bradwaite.

He met the returning servant with looks of anxious questioning.

"She doesn't feel able to see you."

His countenance fell. Still he could not give up all hope.

"May I ask what more she said?"

"She said you had not always shown so great an interest in matters of importance to her."

"That is true. I have not always shown all I have felt. That is my misfortune, as I wish to explain to her. Do you think she will be able to see me later in the afternoon, or perhaps tomorrow morning?"

"I can't tell you, sir. All I can say is, you show very little consideration for her when you insist in this way. Excuse me," as he put out his hand, "I don't want your money. Nobody in this house wants it, you may be sure!"

Frenk was not sure, else he might have been

more willing to go away. Finding that she scorned his bribe, he drew back, hesitated, and finally said:

“I shall remain in town till to-morrow, in hopes she will conclude to grant me an interview. I shall be at the hotel.”

“Nobody objects to your being at the hotel, the girl replied, and seized the opportunity to close the door.

## XI

## "I COME TO TERMS"

A FEW minutes before noon the next day, Bradwaite sat writing at his desk, when a young man entered whom he was evidently expecting.

"Well, Dick?" said the lawyer.

"He didn't come home last night, and he hasn't been seen at the office this morning. He must have gone out of town."

"Without leaving any word where he was going, or when he would be back? Then he has gone to only one place," Bradwaite muttered as he looked up at the clock and said in a lower tone, "His time is about up, but I will give him fifteen minutes' grace. Come around again in about twenty minutes, Richard; I shall probably have an errand for you."

Richard retired. The bells sounded twelve o'clock. Then Bradwaite took from a pigeon-hole a paper which he looked over carefully, filling in certain blank spaces with a pen. He was thus occupied when, hearing a step, he looked up and beheld an apparition. It was Mortimer Frenk.

"Ah!" said Bradwaite, with a steady glitter in his eyes. "I had given you up."

The broker's face showed signs of hurry and worry and weariness and despair.

“I don’t suppose I am too late,” he said, wiping his forehead.

“Well, no; but in ten minutes this paper would have gone around to the clerk of the court. Your delay is excusable. You’ve been out of town, I hear.”

“I’d like to know how you heard,” replied Mortimer.

“Oh,” the lawyer laughed quietly, “a prominent man like you can’t go and come without having his movements noted. That’s one of the penalties of popularity. How did you enjoy your stay at Camp Creek?”

Not knowing how much to admit or how much to deny, the disconcerted Mortimer remained dumb.

“I’m afraid you didn’t enjoy it,” said the exasperating Bradwaite. “You didn’t find the old-time entertainment. Did you see her?”

“I’ve come to talk business,” said Frenk.

“So I supposed. And I am talking business. If you saw my client and got any important concessions from her, they should be talked over first.”

“I didn’t see her, and you know I didn’t.” Mortimer sat down, not in the dead man’s chair, and without crossing his legs in the easy manner of the day before. “I believe she was acting by your advice when she sent back my check, when she refused to see me yesterday and this morning,

and returned unopened the note I despatched from the hotel."

"Whether she was or not," said the lawyer with satisfaction, "I must say I think she acted very wisely. She knows you do not seek her for her good, and she does right to snub you. Now I trust you will stay snubbed. What can I do for you to-day?"

"If I can settle this matter on any terms that will not ruin me," faltered the crestfallen Frenk, "I suppose I'd better do it. But you mustn't stick to the figure you named yesterday. It is preposterous."

"If that is your opinion," Bradwaite responded in the curtest manner, "it is useless to spend any more breath in talk." And he turned to his document.

"Are you a man without mercy?" said the despairing Mortimer.

"Without mercy for men who are without principle; but I have a great deal of mercy for their victims."

Frenk chewed on this hard saying for a moment, then asked:

"How much time will you give me?"

"To shuffle and postpone settlement? Not an hour! Not a minute!"

"I mean — to raise the money."

"As much as is necessary; but that will not



be a great deal. If you would like to glance at a list of your bits of property, real and personal, on which money can be raised with little trouble, here it is. Perhaps Forbush & Frenk can shave a little note for you,” the lawyer added with a smile.

“I suppose my partner will have to know about it,” murmured Mortimer with growing discontent. “But for heaven’s sake don’t let” — he was going to say “my wife,” but he checked himself and added, “don’t let anybody else know!”

“Certainly not,” smiled Bradwaite. “Do I clearly understand that you come to terms? My messenger is waiting at the door.”

“I come to terms,” was the answer, in something between a whisper and a groan.

## XII

“FURS AND DIAMONDS FOR THAT WOMAN!”

THE \$15,000 was duly paid over to Bradwaite for the benefit of his client. She had already learned from him that he was acting under her father's instructions in trying to obtain some sort of justice from the man who had wronged her. But in her feeble condition she gave the matter not much thought, and realized not at all what that justice was to be until one day — it chanced to be on the anniversary of that fatal last of August — he paid her a visit, and, having carefully led the conversation up to the point, announced to her the fact that he had in his bank deposit \$15,000 awaiting her order.

Lucy was dazed. “Oh, Mr. Bradwaite,” she exclaimed, “I can never accept it! I can never take money as compensation for such wrongs!” And still weak in body and mind, overcome with recollections of the past suffering, she gave way to convulsive tears.

In vain he used his powers of persuasion to overcome the natural repugnance of a delicate soul to receive any material benefit from such a source. At last he said:

“Well, I have followed your father's instruc-

tions and done what I thought was best. Now all that I can say is that the money is yours, and you can do what you like with it. If you decline to take it for your own advantage, no doubt you can find worthy charities to devote it to.” His tone of voice took on a peculiar significance. “I can recommend an object. Make a present of it to Frenk’s wife.”

“Do you mean it?” said Lucy, in surprise and doubt.

“If you should see the silks and furs and jewels she requires to set off her beauty, you would be convinced that she at least can find a use for it if you cannot. Frenk is very proud of her; diamonds become her immensely.”

Lucy’s eyes sparkled.

“I can’t say now what I will do. Keep the money for me till I can think it over. Pay yourself out of it, at all events; and accept my sincere thanks for all your kindness.”

Seeing that his last shaft had hit the mark, Bradwaite withdrew, saying to himself:

“Furs and diamonds for that woman? Not much! A pretty good stroke,” he chuckled, “for an old bachelor supposed to know nothing of the feminine mind!”

Even after the money was invested in her name Lucy could not bring herself to use any part of it. She lived frugally, dressed plainly, and as soon as

her health would allow, resumed the old and much-loved task of teaching music. She did not love it so well now, but went to it often in a sort of dream, from the need she felt of earning her living and keeping her mind from preying upon itself. The house, which was almost the only property her father left her, she let to a small family with whom she boarded, retaining her old room and the use of the parlor for her piano and pupils.

Meanwhile unalloyed prosperity was not the portion in life of Mr. Mortimer Frenk. The payment of the \$15,000 proved a turning point in his fortunes. It was the cause of some misunderstanding with his partner, who afterwards, to set himself right in the eyes of Mrs. Frenk, when that high-spirited lady attacked him mistakenly in her husband's behalf, told the whole story of the breach of promise and the heavy damages. We shall not bring our readers within the sweep of the domestic cyclone which ensued. Enough to say a dissolution of partnership was the result, Frenk setting up by himself, and speedily demonstrating the truth of what Bradwaite had said of the comparative abilities of the two men. Furbush's stock went up, while Frenk's as steadily went down.

His suit with the railroad corporation came to trial and the jury awarded him \$3,000. He ap-

pealed it, and on a second trial the jury failed to agree. A third jury gave him \$2,500, with which he was forced to content himself, although the amount barely sufficed to pay the expenses of the suit. How much more he might have got if he could have had Lucy and her father as witnesses he couldn't surmise. But George Tilbury was in his grave, and any reminiscence of his breach of promise brought into court would not have furthered his cause.

His Trojan Helen had married his money quite as much as she had married him, and her extravagance in using it for luxury and display had done its share in bringing him to his downfall. In three years we find him suspending payment and settling with his creditors for fifteen cents on a dollar. It was currently reported that their life was not a perfect model of domestic harmony during these troubled times.

But happy or not, their union was brief. While he was settling with his creditors his wife died suddenly, leaving a child two years old and an infant that did not long survive her.

Mortimer Frenk was once more free from the marriage yoke. And now his lonely heart went back with sorrowful yearnings to the love which his life with a haughty and selfish woman had taught him how to prize. What hindered him from hastening to Lucy (after a decent period of

mourning) and atoning for past wrongs by giving her the once promised hand and the heart he could truly say had all along been more hers than ever any other's? How much he may have been influenced by the fact that his \$15,000 had preceded him in that direction, a conscientious historian can but vaguely surmise.

## XIII

“ O MORTIMER ! WHY DIDN'T YOU COME TO ME SO ? ”

THUS it happened that on a pleasant June day of 1862 Mortimer Frenk once more stepped from the train at Camp Creek and walked with nervous steps to the house he knew so well. He was a much changed man. His black hair and side whiskers were sprinkled with gray. His face had a worn and haggard, weary-worldly expression. Manifestly the bloom had been rudely rubbed off his life. He looked fully a dozen years older than when he rode away from that door with his arm in a sling, casting back smiles of ardent affection at Lucy, left behind to prepare for the wedding that was never to take place. The pert servant who had shut the door against him at the last visit was no longer there, but an unknown woman admitted him to the little parlor, where a girl of twelve was practising an exercise at the piano. He begged her not to stop, and the instrument rattled on.

He sat down to wait for Lucy, who was out, but expected in presently to give this girl a lesson ; and he glanced around to note the changes in the room. The most conspicuous addition was a portrait of Lucy's father, evidently painted from a

photograph, looking down at him from the wall, with eyes so mildly sad that they gave him a most uncomfortable thrill. He was not an unfeeling wretch, this Mortimer Frenk.

In a few minutes a young woman came in from the street, and speaking cheerfully to the girl at the keys, began to take off her things. Her face was partly turned from the visitor when he started from his seat.

"A gentleman to see you, Miss Tilbury," said the girl.

Lucy turned and saw rise up before her the ghost of her old life and love and happiness and long despair. She became very pale, and reached out her hand to the piano to steady her faltering step.

"I hope you will forgive me this surprise," he said, in a tone of humble entreaty. "I did not intend it."

She took some seconds to recover herself, and slipped into a chair beside the piano, her hat carelessly falling back from her looped-up light auburn hair. Then she said in a low voice, with bright eyes fixed upon him, and a look too sad to be called a smile:

"It is a surprise, Mr. Frenk. I saw no reason why we should ever meet again."

"There are reasons, as I hope to convince you," said Mortimer, "if you will grant me a few words."



Lucy hesitated. She had nearly recovered her self-possession, and her color — the same exquisitely fresh and delicate pink that he remembered — was coming back into her cheeks. She, too, had grown older, but in an indescribably different way from him. The woman was somehow lovelier than the girl. Her brow seemed fuller, her nostrils finer, the lines of her face were emphasized by experience, the curve of her mouth was full of sweetness and strength. She turned to the girl on the piano-stool.

“Will you excuse me to-day, Bertha?”

Then, holding her hat by the ribbons, after the pupil was gone she turned her steady luminous blue eyes on Frenk.

“I have come,” he said, bending earnestly toward her from the chair where he sat, “because I am not happy; because I never could be and never can be happy until I am allowed the privilege of making some explanations.”

Lucy remained silent for a moment, seeing far more than he dreamed, with that clear, spiritual gaze. She saw the worldly lines in his face grown permanent and hard, with little lairs of craft and greed about the corners of the eyes and mouth. She could see now that they had always been there, and wondered what blindness had prevented her from discerning them, even amid the charms those fine features had for her in their fresher manhood.

"I can believe that you have not been very happy," she said at length. "But I don't see that explanations can be useful to either of us. The past is past; it is irrevocable. I would prefer to let it be."

"I can't let it be!" exclaimed Frenk. "I did a terrible thing. It has followed me, it has gnawed my heart, it has been a shadow on my life, and it will pursue me to the grave unless I can hear you say you forgive me."

"Let me say at once, then, that I forgive you, and be spared the rest," Lucy replied, with a countenance full of pain and pity.

Still Frenk was not satisfied. "You are not prepared to believe in me. I cannot bear that!"

"It is not enough, then, to say that I forgive you, but I must believe in you, too?" Lucy smiled. "You ask too much, Mr. Frenk!"

"I don't wonder you say so. It is because you did not understand why I acted as I did," he continued, edging again towards his explanations.

"I think I understand. I didn't at the time, for I did not know you. It took me a long while to learn that you were not the being I imagined you. If you had been that, you never could have done what you did — oh, never, Mr. Frenk!"

She gave a little shudder, as of horror at her recollections. Her eyes drooped pensively; he would have given much to know what thoughts of

him were veiled by those pure lids. He was glad she did not see the flush he felt tingling in his cheeks.

“Allow me to protest,” he said, “that I *was* what you imagined. Perhaps not all; no doubt you idealized me. Yet I was sincere — I was the soul of sincerity, as I wrote you once, and I never wrote truer words. I loved you devotedly” —

“Oh, Mr. Frenk!” She interrupted him with a gesture of entreaty, flinging aside her hat and turning away her face.

“Please to hear me,” he insisted, “for we may never meet again. I loved you then, I loved you always, I have loved you ever since.”

She started to her feet, indignation flashing from her eyes.

“Mr. Frenk!” she exclaimed, as he too rose and stood before her, “you make me think worse of you than I have ever wished to do. I pitied your weakness, for I believed your heart had gone back to the woman who had it before you saw me. But when you say your love for me continued, even when you deserted me in that cruel way and married her, what can I think?”

“Despise me if you must,” said Mortimer, “for in one sense it is true. You had a place in my heart which no other woman had, or ever can have. But I won’t deny that she had great power over me. She claimed me, she wouldn’t give me up;

there were weeks when I was nearly insane thinking of you, longing for you, and trying to break the spell she held me by — begging her to release me from my engagement.”

Frenk thought he had put that strongly and effectively.

“And you told me you were not engaged!”

“If I told you what wasn’t quite true, it was because I hoped it *was* true, and meant to have it true. But, Lucy, if *you* ever loved, you need not be told how a powerful and passionate woman can cling.”

“Perhaps I never loved; perhaps I am not powerful and passionate,” said Lucy, with strong agitation, sinking again into her chair. “For I do not understand how she could hold you. If you had come to me and told me you had found another you preferred, would I have held you? I know I am capable of some feeling, and it would have been hard for me, but I should have tried to be strong, and I know I would have set you free. And I would have respected you, loved you, and blessed you through it all. O Mortimer! why didn’t you come to me so?”

XIV

“THERE CAN BE NO ATONEMENT!”

THE tears that followed these words thrilled him to the depths of his not very deep heart. And she had called him Mortimer, as in the old happy days! He built much hope on that.

“I couldn’t come to you. I couldn’t bear, I didn’t dare to see you. But I wish I had come. Once more in your presence I could never have given you up. You would have set me free indeed, but free from her. You would have helped me to be true and strong. You would have saved me from a most wretched marriage, and I should have made you happy.”

He was rather pleased with his own eloquence, and paused to observe its effect on her. She was weeping still.

“Oh, Mortimer!” she said, “why do you talk to me so now?” And for a moment it seemed as if the old love had reasserted its mastery over her.

He deemed it time to leave the line of his explanations and make a bold advance.

“Because I am once more free; and oh, Lucy! because we may yet be happy together.”

He was leaning earnestly toward her again from his chair. He reached to take her hand. She drew it back with a sudden change of manner.

“Happy together!” she exclaimed, all signs of her transient weakness vanishing with her tears. “You and I? Never!”

“Don’t speak that terrible word, Lucy! Our love will be stronger than ever, and we shall be all the more tenderly united for this long separation.”

“Never!” He was still leaning towards her, with a most persuasive, pleading grimace, but she did not see him. Her eyes were fixed on the portrait above his head with a strange expression, as if she saw the spirit of her father; while her lips repeated with tremulous emphasis, “Never!”

“But, Lucy!” he said, awed by that intense, sorrowful, far-away look, “you will not deny me the satisfaction of making this one atonement for the wrong I did you?”

“Atonement?” She lowered her eyes to his with a sparkle that would have seemed like scorn in eyes less deep and sad. “I forgive you, as I said; but there can be no atonement! The grave of my dear dead father is between us. A horrible gulf of suffering and despair is between us. My renewed life, my clear sense of what is eternally right and just, — all that is between us, and will be between us forever.”

Her words were full of tender resoluteness, and Frenk felt his soul pierced by them as by a sword.

“You pronounce my sentence when you say

that,” he replied after a pause. “Must I give up my own happiness, and the hope of making good my broken promises?”

“The man you are to-day cannot make good to me anything in the past. The idol you were to me — that is broken, along with your broken faith. I am not sorry that you have come, for if any illusions of the old time still clung to my remembrance of you, this interview has swept them all away. You have explained yourself in a way you did not intend. Seeing you as you are has interpreted to me what you were and what you did.”

Frenk sank back in his chair and silently regarded her, so full of sweet, womanly dignity, speaking to him as from a height; so lovely, yet so inexorable. He even forgot his forfeited \$15,000 in his longing to possess again the rich gift of that great love he had once cast away. But he felt that to be impossible. Disappointed, humiliated, convicted of some fatal want within himself, he sat studying her, while she turned her rapt eyes upward once more to the picture. Then, after a minute's bitter reflection, he said in a much changed voice:

“I wish you would tell me what is the matter with me, for as I live I don't know. I try to do right, to be right; and yet you make me feel what a failure I am.”

“You are indeed a failure, Mr. Frenk; and it is because you have not built your life on any foundation of character. You are not a man of conscience. You have a weak sense of obligation. You love your pleasure and your ease and your profit more than you love what is right and true. You have generous feelings, but you waste them. Such a man cannot be truly happy in himself, nor give happiness to others. Living a life of expedients, you know nothing of the life of the spirit. I see you do not even understand what I mean by it. How then can we ever be united? If that was ever possible, it is no longer possible now.”

“You might have made me better,” said Frenk, with glistening eyes.

“We should very likely have grown together,” she replied. “I might not have made you better, and you might have made me worse.”

All which went heavily to the man’s heart, for he felt her judgments true and her decision, final.

“No doubt you are right,” he said, after an inward struggle. “I never was worthy of you, Lucy. But can’t we still be friends?”

She smiled faintly over her arms folded placidly below her heart.

“I am glad to find you have recovered your health,” he went on. “But I am pained to see



you a slave to those music lessons again. I hoped you would be relieved of that drudgery.”

“It is not drudgery,” she replied tranquilly. “I have my living to get, and it is well for all of us to be employed. Oh,” she suddenly exclaimed, “I know what you allude to! Strange I had not thought of it since you came.”

“It should have made you independent,” said Mortimer Frenk.

“You mistake. It was a great trial to me at first. I couldn’t take advantage of what everybody thought my good fortune. Some of the income from it I have used to assist others; never a dollar for myself. For a while I even thought of giving it back to you.”

Something leaped in the man’s heart. She had risen as if to end the interview. He rose also, closely eyeing her, a wistful gleam breaking through his cloud of trouble.

“But seeing you again has shown me how little real benefit that would ever have been to you.”

The gleam disappeared.

“Have you children?”

“I have one little boy not yet three years old.”

He did not suspect the motive of her question and he answered it mechanically. She was about to speak again, but something in his eyes caused

her to forbear, and she remained thoughtful, while he moved to the door with bent head. Then he turned and lifted his eyes to her, standing a little way back from him in the entry, still so lovely, still so inexorable. She smiled a sad good-by, and he went away.

## XV

## A QUESTION OF HAPPINESS

THE next day Lucy wrote to Bradwaite :

“ Please do not accuse me of ingratitude for all your intended kindness, if I tell you once more that that money continues to be a burden to me, and nothing but a burden. The only thing that could ever have reconciled my conscience to it would have been an opportunity to use it in some work of noble charity. But in our simple village life such opportunities are rare. We have no poor class, such as is said to exist in other countries, but everybody who is industrious enjoys some share of prosperity, while the half-dozen aged and infirm persons who cannot provide for themselves are comfortably provided for by the community they live in.

“ Since it has transpired that I have money I do not seem to know what to do with, I have been besieged by respectable beggars whom I never heard of before ; but I have fears of doing more harm than good by acceding to their impudent demands. Nor am I one of those fortunate characters so common in fiction, if not in real life, who find it delightfully easy to do good, and are always sure to meet with some fine occasion for their

benevolence and self-sacrifice. No doubt the world is full of objects to which my undesired wealth might be worthily devoted. But how shall I obtain personal knowledge of them, and learn to give wisely? I have no heart for such work. And yet I might have, even I, but for the depressing consciousness that that money does not in any way belong to me, even to do good with.

“No, dear Mr. Bradwaite. That is the secret of my indecision, which I know has annoyed you so much; I could not really accept it, although I allowed your friendly persuasion to prevent me from promptly declining it. Having seen Mr. Frenk yesterday, I am not sorry that I hesitated about returning it to him; a better solution of the difficulty has presented itself. I shall need your help in the matter; and if you will kindly tell me how I can settle that money on his motherless boy, and will yourself consent to act as trustee in the case, you will enable me to dispose at last of this troublous question of damages, and make me, dear Mr. Bradwaite, very happy.”

Believing the lawyer already weary enough of what he deemed her foolish scruples, Lucy feared this proposal would only add to his vexation. For two or three reasons, however, it gave him great satisfaction. He had come to have the highest respect for those scruples, while his early regard for her, beginning in sympathy for her distress

and indignation at her wrongs, had grown to an ardent admiration for her character. He at once wrote her a letter, over which she shed tears of joy :

“ You have been right in this matter all along, and have shown me how a woman’s heart may sometimes be wiser than the most learned masculine head — which mine is not. Your present plan is the best that could possibly be conceived, for not only is Frenk poor, but on the mother’s side there are no near relatives, either poor or rich ; so that properly managed, this money may be made of very great use to the almost friendless boy.” Such words, from the man she had once distrusted, but since learned to regard as the noblest heart and soundest head she had ever known, might well make Lucy glad.

But his chief cause of satisfaction at the final disposition she made of the money, Bradwaite did not put into a letter. She had inspired him with something more than admiration, but how could he tell her so and ask for her hand, while it held the money which he had forced into it? For, after all, he was as delicately scrupulous as she was about deriving personal profit from those damages which he had yet deemed it righteous to exact. That question settled at last, he one morning closed his office door and hastened to Camp Creek to give his most earnest attention to that far more

important question of happiness which concerned them both.

Frenk did not stay in Albany to congratulate his successful rival, but sought about that time a new field for his activity, from which he never returned. Going to the war on a sutler's wagon, he was picked off by a fever as fatal as a guerilla shot. The son still lives and gives promise of becoming a better man than his father, thanks to the wise guardianship and ennobling influence of his friends, Mr. and Mrs. Jay Bradwaite.

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