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a hotwater bottle—
a cup of Hot Bovril

BLUE WATER

A TALE OF THE DEEP
SEA FISHERMEN

BY FREDERICK WILLIAM WALLACE

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CHAPTER EIGHTEEN—(Cont'd.)

Though it was as thick as mud with fog, there was a fresh southerly wind blowing, and the old Lillian began to show her heels. Everyone aboard knew about the trouble their young employer was in, and with the loyalty to their friends common to the fraternity the fishermen exerted all their nautical skill in order to get the vessel home as quickly as possible. Sails were jiggered up every half-hour, and never was there such a trimming of sheets and careful steering upon a fishing schooner before. Men lounged around the streaming decks with eyes for ever scanning the set and trim of canvas, and when so much as a wrinkle showed, they sweated on jig and halliard until the sails were set without a slack to mar their belying contours. Captain Clark and Jules had held the envelope up to the cabin lamp, and the silhouette of the cheque was discernible against the light.

"That's Frank's cheque in that" all right," remarked Uncle Jerry.

"Git de cook for steam de onvelope open," suggested Jules.

The other shook his head. "No, no; we'd better jest leave it as it is. Ef some o' them lawyers thought we did that they'd swear it was a put-up job on our part."

It was four in the afternoon when they swung off, and allowing for the set of the tide against them, they figured in doing the ninety odd miles in twelve hours. None of the Lillian's crew knew when the hearing of the case was to come off, as they had left the Cove before the date was set, and ignorance of the date gave Jules and Captain Clark a great deal of anxiety. What if it had already been before the court? What if it had been decided against Frank? The buildings might even then be torn down and Morrissey in possession. The suspense was agonizing, and throughout the long night as the gallant vessel stormed to the northward both men kept the deck, consumed with anxiety.

When they made the Lurcher by soundings, the wind hauled to the north-west and freshened. The fog vanished with the advent of the colder wind, and close-hauled, the Lillian was dragging her lee rail through the smother, and the gang rejoiced in the weight of the breeze.

"Go it, you ol' peddler!" they shouted. "Tear th' patch off yerself!" And Jules walked the quarter and prayed for wind and plenty of it.

Their prayers were answered, and

when the maintopmast snapped off at the masthead and fell in among the gear with the staysail thunderously flapping in the breeze they actually laughed as they crawled aloft to cut the raffle away.

While the Lillian was beating up the Bay in the teeth of a norther, with her decks awash and every plank and beam in her protesting at the press of sail she was carrying, Frank was tossing around on his bed in an Anchorville hotel. He had secured nothing but what he already had, and though he had brought the late Captain's housekeeper down with him to testify that he had been at the Crawford house on the date of the supposed sale, yet he knew that his case was decidedly slim. Another drop in his cup of bitterness was added by the fact that his opponent had declined to make terms. "On no account will I sell my land to Westhaver," Morrissey had written, and in the words Frank felt that the spite and hatred of boyhood days were still rankling in the man's mind. And Wrigley had spoken about an offer being made by a Bayport company for the property. In fact, he had already given the option to them.

Looking very pale and anxious, Westhaver entered Lawyer Stevens's office promptly at nine, and the advocate was none too enthusiastic about the outcome.

"I made your offer to Wrigley, agreeing to pay two thousand dollars for the strip of land you require for buildings and flake-yard, but he says that his client will not sell to you on any account. He also tells me that he has given an option upon that property to the Bayport Fisheries Company."

"So I understand," answered Frank dismally.

"How will that affect you, Captain?" enquired the other kindly.

"It'll ruin me pretty near. I've got a big contract to fulfil, and without that land I'll have to hand th' bulk of it over to someone else. All th' money we've invested in th' buildin's will be a dead loss, though th' Bayport Company might take them over—"

"Yes, they may," nodded the lawyer; "but a great deal will depend upon the leniency of your opponent. He can, if he likes, enter a restraint against you forbidding you to remove a single thing off the land. He can claim everything you have put up on it—"

"Is that th' law?" queried Frank huskily.

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"Yes!"
"Then that's jest what that feller'll do of he knows it. Oh, but I've bin several times a dam' fool in this business! I sh'd ha' stayed at sea until I l'arned t' move about ashore 'thout gittin' foul o' things like this. Yes! I'm some mug when it comes t' business." And feeling utterly dejected and depressed in spirit, he walked along to the Court House with the advocate.

Promptly at ten the case was opened. Mr. Wrigley, of Wrigley and Wrigley, respectfully saluted the Judge and stated the facts for the plaintiff, Captain Robert Morrissey, of Boston. "My client is the sole relative of the deceased shipmaster, and as no will was made regarding the disposal of the late Crawford's property, my client lays claim to it."

"What does the property consist of?" enquired the Court.

"Ah—ahem! The property consists of some sixty acres of land, house, and barn, situated in the village of Long Cove, Bay Shore County."

"Had the deceased any personal property or moneys besides the real property?"

"Ah—ahem! The deceased Captain was living upon an annuity which ceased at his demise. His household goods were sold by his own instructions to responsible parties, and the proceeds of the sale were given to his housekeeper. My client has no interest in this."

After some additional statements regarding Westhaver's supposed purchase of the property in litigation and which Mr. Wrigley declared was never consummated, Mr. Stevens stated the case for the defence.

"You state that your client gave the deceased a cheque for the amount of the sale?"

"Yes, your honor!"
"Then you will produce the honored cheque for the proof of delivery."

This, of course, the defence was unable to do, and all that Stevens could show was the receipt, which being unwitnessed was practically worthless, the cheque stub with the number and date of the cheque, and the testimony of the housekeeper, who proved that the defendant had called upon her master that afternoon.

"Did you overhear any of the conversation between them?" enquired the Judge.

"No, sir. They was out on th' porch an' I was in th' kitchen."

"What do you suppose your late master did with the cheque?" enquired Mr. Stevens.

"I dunno, sir," replied the woman. "I never see no cheque. Th' Captain was a very particular man, an' he'd never 'low me t' touch or see any o' his papers or letters. He's swear awful, sir, ef I did."

Even though he was fighting for a lost cause, Mr. Stevens made a great effort in Westhaver's favor. "We have here, your honor, a young and ambitious man who is a victim of circumstances and ignorance of the law. Captain Westhaver is a native of Long Cove and one of that fine breed of Nova Scotians who have made our fisheries famous the world over. He has an unblemished character, and there is not a man who knows him but will testify to the same. My client, wishing to give up the sea and remain near his widowed mother, formed a little business up at his home, and with this object in view, he called upon the deceased with a proposal to purchase a strip of land from him. After some conversation, the deceased master mariner offered to sell all his property for the sum of two thousand dollars and two or three days later my client handed him a cheque for the amount, and the deceased gave him the receipt which is now before the Court. That this piece of paper was never witnessed by a third party is due to ignorance of the law on the part of my client and the late Captain. Unfortunately, while my client was away upon a business trip the Captain died, and investigation showed that he had neglected to advise his notaries in Anchorville regarding the transfer of the property, and he had also neglected to cash the cheque. The papers necessary to substantiate my client's aim cannot be found, with the result that Captain Westhaver is placed in an awkward position. My client, thinking that everything was all right, went ahead and constructed buildings upon the property, and I think this fact alone should convince the Court that Captain Westhaver was acting in good faith." With a few more remarks he closed the case for the defence, and while Frank scanned the face of the Judge, he felt instinctively that he had lost.

Mr. Wrigley was rubbing his hands and smiling all over his face, when the Judge commenced summing up the evidence, and as Westhaver caught the exultant look upon the lawyer's pallid face he felt that he would take a great deal of pleasure in having Mr. Wrigley with him for a trip on the Lillian.

While he sat waiting for the inevitable decision there was a commotion in the hall-way, and a mob of sea-booted figures clattered unceremoniously into the Court-room. To Frank's intense surprise, Uncle Jerry

and Jules were in the van of the mob, and from his seat he could see the whole of the Lillian's gang, cook and all, elbowing their way to the front. Captain Clark, with his rubber boots and oil coat on and a Derby hat on his head, waved a letter and shouted: "Hold th' case, Judge! Is Mr. Smith here?"

The Judge looked up severely at the interruption, and Mr. Smith, who had been one of the witnesses, stepped from his seat.

"Here's a letter addressed to you which we found in one o' Cap'en Crawford's ol' ditty boxes. Open it quick!"

With the odoriferous trowlers crowding around him and peering over his shoulder, Mr. Smith opened the letter and hastily scanned it.

"Mr. Stevens," he said, "here's something which will interest you. Give it back to me when you have finished."

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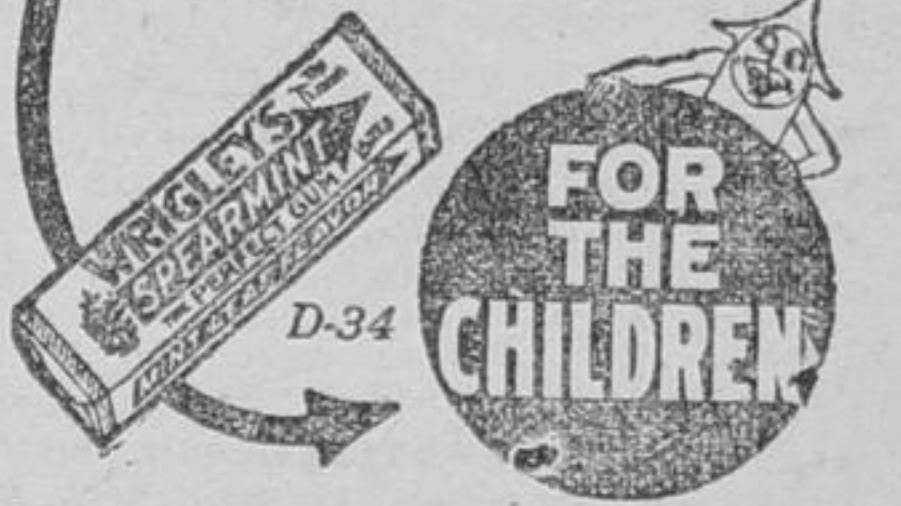
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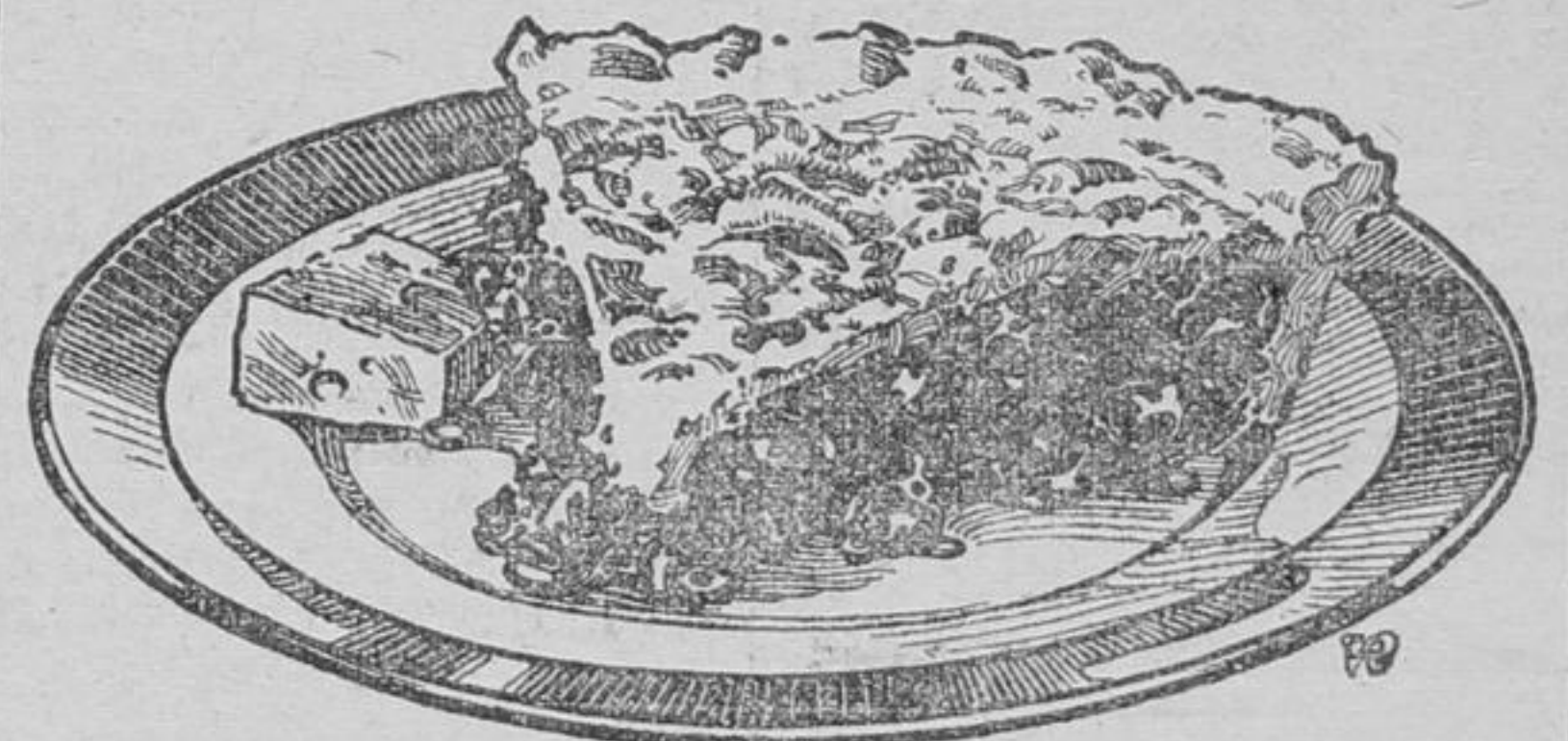
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