The Fraudulent Trustee

by Andrew Forrester, Jr.

LAWYERS, that is to say, attorneys and solicitors, are usually looked upon by men of business as (outside certain limits) the most honourable class of persons in the world. I quite coincide in that opinion. The reader must not, however, misunderstand me. Few members of the legal profession comprehend the nice distinctions of moral propriety which high-minded men of other classes—traders, merchants, and professional men in general—are guided by. It may be fairly doubted whether a lawyer's honesty is not, as a rule, a thing of pure etiquette and expediency. I confess that is my opinion; but I am not going to write an essay on such a theme. The case I am about to relate does, however, go far to establish the theory that when a solicitor is dishonest, beyond the limits which are deemed professional, it is nearly impossible to fathom the depths of his villainy.

Less than twelve-months ago I was employed to test the accuracy of certain facts which a poor man had laid before a London solicitor who is, I believe, an exception to the rule just laid down. My experience of him, and his relation to this matter, warrants a belief that he is a worthy and generous-hearted man. I believe that his moral code regulates not only his dealings with his clients, but with "the other side"—their opponents. He took the present case in hand, I know, from motives of the purest generosity, with the sole object of wresting an estate from the fraudulent trustee, and recovering it for the heir, and, perhaps, with the laudable design superadded of disgracing if not punishing two dishonourable members of his own honourable profession.

The story would be lengthened and elaborate, if I were to describe the part I played in it, as it was played, so I think it wise to simplify the narrative by almost entirely omitting from it my procedure, and putting the facts in a compacter shape.

One evening in the month of July, 1861, a man really about fifty years old, although his scanty white hair, embrowned, indented, and furrowed cheeks gave him the appearance of greater age, entered the village of B—, not many miles from the prosperous manufacturing town of Leeds in Yorkshire. He was accompanied by his wife, a woman of about his own age, whose feebleness and sorrow-stricken air told the least penetrating observer that the world had not dealt tenderly with her. They put up at a small inn, and it was plain that they had little money.

Who were they? What business had they in B—? These questions were put by Mrs. Boniface to her husband, and Mr. Boniface to his wife. They shook their heads mysteriously, and perhaps wisely. They agreed that a huge carpetbag was but an indifferent security for a long score, and resolved to grant only a slight credit to their guests.

The old man and his wife early next morning took a stroll through the village, carefully scrutinizing every signboard, name, and inscription, which the advertising genius or enterprise of a tradesman had hung out to view. They wandered through the churchyard and over a few meadows. Nobody accosted them, and they spoke to nobody. They returned to the "Fleece," and had their breakfast.

While sipping his coffee, our traveller addressed the landlord, who had entered the room for the purpose of repairing the fire, and taking another survey of the "rum customers," as he called them, behind their backs. This conversation took place in Yorkshire dialect, which I spare the reader.

"Do you know William Johnson, landlord?"

"Well, I did know him when he was alive."

"What! is he dead! My poor old father dead!" exclaimed the guest, with more emotion than he might have been thought capable of. "When did he die? Where is he buried?" And the poor man went on sobbing and maundering, while his wife, who seemed to think it only decent to exhibit her grief in a similar mode, brought into use a capacious pocket handkerchief.

The landlord was an undemonstrative if not a rather unfeeling man, with a practical skepticism in his character that made him doubt everybody. In a moment he made up his mind that his guests were impostors trying to work upon his humanity, and resolved not to be done in that style.

"Come, I say, old chap, that won't do! You're no son of old Mr. Johnson, I know."

At this the wife of Wm. Johnson then present and alive, grew indignant, and expressed herself accordingly. Her husband also declared that if he were a younger man, and under other less unpleasant circumstances, he should resent the imputation involved in Boniface's remark by a proceeding not the most agreeable to the slanderer.

"Well, then, where did you come from, I should like to know?"

"I came from London yesterday, but I came from many parts before that. I've been in America and in New Zealand, and in Australia and in California, and many other parts that you never heard of in your life, I dare say."

"Well, and what have you come here for now?"

The publican, who did not yet quite believe in his visitors, was careful not to waste politeness on people who were not likely to spend much money.

"Why, we came here to see my good man's father, to be sure!" interposed the female customer.

At this moment another person entered the hostelry for a gill of ale, and to see what a Manchester daily newspaper had to say about a political meeting of the previous night in Leeds. This person was deemed an oracle. He knew everybody, and everybody's business, for a distance of thirty miles round, at least, and the family lore and romance which he carried in his head would, if written out and printed, fill the shelves of a circulating library. Let me not, however, do Mr. Freeman any injustice. He was an intelligent and a kind man. He was always ready to do "a good turn" for a fellow-creature, and he had the special advantage to our travelers of having been

rather intimately acquainted with the late Mr. Wm. Johnson of B—. Unlike the landlord of the "Fleece," Mr. Freeman had faith in his fellow-creatures.

"Ah! Mr. Freeman, glad to see you this morning," said Boniface, "who do you think (with a cynical grin) I've got here? "

"Don't know, landlord."

"Why here's an old chap from London, as old I'll swear as your friend Will Johnson that's dead, who says he's Will Johnson's son."

This was shouted in the presence and hearing of the man and his wife, as the landlord of the "Fleece" stood in the doorway between his bar and the parlour.

What unpleasantness might have followed, can be imagined, if Mr. Freeman had not opportunely stepped forward to the guests, and looking for half a second in the honest eyes of the living Wm. Johnson, then grasping his horny hand, exclaimed—

"This is the lad! How many thousand times your old father and I have talked about you. Yes, there's no humbug in you, my friend, as the landlord here thinks. I see your father's face before me again, and if I could scrape off some of that tan from your countenance the landlord would see it too. "

It is needless to say that the two men who understood one another fell into a long conversation about old times and experiences. From Freeman, Johnson learned much about his father, and Johnson related his travels and adventures to his friend, as well as to other persons at the "Fleece," many times during the few days that he remained there.

It is here desirable to inform the reader that Johnson, when a lad about eleven years of age, under the Robinson Crusoe influence, ran away from his father's cottage at B—, and journeyed on foot to Hull, where he obtained the object of his then ambition, in an engagement as cabin boy. That would be about forty years before the incident I have just described. During this long period his father nor any member of his family had ever seen or heard of him. He had seldom visited England, and when he had done so he had avoided the channels in which he was likely to be recognised. He had not found the road to fame and fortune on the international highways of the ocean, and pride, which increased as years rolled on—until but the other day—restrained him from all communication with his relatives and the friends of his boyhood. At length, having been obliged by infirmity to retire from the mercantile marine, he had settled down at Hackney with his wife, who had assisted by her industry and frugality in providing a fund on which subsistence could be had during the remnant or their days. He was now in the habit of reflecting at times upon his past career, and old memories of his father, mother, brothers, and sisters would ever and anon float across his mind. These thoughts rendered him uncomfortable. He knew that he must have caused the old people much and bitter anxiety. He could not at all justify his first act of disobedience in running away from his home, but this was, he felt, a venial sin as compared with the isolation of himself from all his relations.

During the period in which these thoughts were native it happened that he met, at the "Jolly Gardeners," at Hackney,—where he retired every evening to smoke his pipe and spin his yarn, and entertain a circle of good listeners,—the friend of one of his friends, who came from the town of Leeds, and knew the village of B—. He took this person into his confidence, and learned from him all he knew or thought he knew about the Johnsons of B—. He learned that his mother had been long dead; that his brother and one of his sisters had also gone to their graves; that another sister was married and living in Leeds. He was also told that his father was alive, and although worn down by the weight of years, was, all things considered, a tolerably hale old man.

This news was not very fresh. It was also in one particular incorrect. Old Johnson had died some time before the speaker left Leeds, as Mr. Freeman has already explained. However, he resolved to go down to Yorkshire quietly, with his wife, and see the old man. These rude folks, like some genteeler people, also liked sensations, and they determined to surprise the venerable parent. Hence their arrival at B—, as described.

Among the intelligence supplied by Freeman to Johnson was the fact that his late father always believed he was entitled to a considerable estate, which had been left by two female ancestors a long while ago, under a complex will, upon a variety of what lawyers call uses and limitations. In case of failure of all the parties so entitled, the property was to go to the right heirs-at-law of these Indies for ever. The terms or provisions of this will gave the surviving devisee a life interest in the whole of the estate. At her death a life interest was given to a relative, the Rev. Ebenezer Talker, and at his death the freehold was to pass—

"To the use and behoof of the first son of the body of the said Ebenezer Talker lawfully begotten and to the heirs male of the body of such first son lawfully issuing and for default of such issue then to the second third and every other son, of the said Ebenezer Talker successively and in remainder one after the other as they should be in seniority of age and priority of birth and the several and respective heirs male of the body or bodies of every such second third and every other son, or sons the elder of such sons and the heirs male of his body being always preferred and to take before any of the younger sons and the heirs male of his and their bodies lawfully issuing."

And if the not very rational contingency that the Rev. Mr. Talker and all his heirs male should die without leaving any heirs male of their bodies, Mr. Charles Talker, brother to the popular divine, was to have a life interest in the estate of the spinsters. At his death his heirs male and their heirs male—that is, his sons and grandsons— were to become entitled to the estate in the same order of precedence as the sons of Ebenezer were to have enjoyed it. And if this line of contingent uses and estates should also be cut off, or as the will said, "in default of such issue," two married ladies were to have a life interest therein as tenants in common, with a remainder or descent of the freehold to their sons in the same order as the sons of the Rev. Ebenezer Talker, or his brother, would have had it. And if these ladies should pass out of the world without sons, or these sons and their sons should all die, then in default of such issue, the estate was to pass to Captain Trident, of His Majesty's frigate the "Slaughterer" for his life, with remainder or descent of the freehold to his sons, according to the formula already given. And in default of such issue of Captain Trident, his sisters, Dorcas and Betsy, were to have a life interest in the estate, as tenants in common, after which it was to pass to their sons in the order prescribed.

This was the last contingency provided for. The spinster devisors never imagined that all these lines would drop, so they were content to stipulate that afterwards the estate should pass to their right heirs for ever.

Such, at least, were all the beneficial provisions of the will, There was, however, another nominal devise, which, in the sequel, became highly important; but as an explanation of the legal nature of that trust is unnecessary for the purposes of this sketch, I at once proceed with my story.

This was a purely naked trust. Who could so well discharge those technical functions of "preserving the contingent uses and estates" from being defeated or destroyed, and for that purpose to make entries and bring actions, as occasion might require, as a lawyer?
Mr. Sleeky, a young but highly respectable solicitor, who drew the will, or who instructed counsel learned in the law to draw it, volunteered to take half that office upon himself, if associated with another gentleman of good repute. The suggestion was approved by the old ladies, and they nominated an old gentleman, with their lawyer, as trustees, to execute those nominal functions. The trust ran to them and the survivor of them his and their heirs.

After duly executing and publishing this will, the ladies very soon died in rapid succession, and one of the trustees for preserving contingent remainders died also very soon. This was not Mr. Sleeky. I have never heard it suggested that there was anything remarkable in this rapid succession of deaths, but it they had not happened so long ago, I should certainly have advised the employment of Dr. Alfred Swaine Taylor, and have made rigid inquiries for myself into the cause of their speedy mortality. It is also, let me say, *en passant*, to be regretted that the trustee who died so prematurely was the wrong man for the grave, and the right man to have acquired the title and prerogatives of survivor. Mr. Slecky could have been spared, without injury to the trust, and perhaps without injury to any one.

A copy of this will had been obtained by the deceased Wm. Johnson, and on his death-bed he had given it to his friend Freeman, with strict injunctions to preserve it, and an emphatic although vague injunction, to see that justice was done some day to "that rascal Sleeky," son of the first trustee of that name.

During his stay at B— , Johnson and Freeman read over the document many times. Neither could perfectly understand it, and as for the mariner's wife, it was to her all a mysterious jargon of words.

What had become of the Reverend Ebenezer Talker and all the sons and grandsons contemplated by the will? It was not surprising that, in the lapse of time, the father should have gone to the grave, or that his son should have followed him; but that father, probable son, and possible grandsons should all have gone, was curious. Freeman could not, he said, tell any more than the man in the moon.

What had become of Charles Talker and all the issue and heirs male of his body? The same curious suggestion arose. Mr. Freeman, "for the life of him," could not tell.

Were the ladies next entitled to a life interest living or dead? Of his own knowledge Freeman could not say, but he imagined that they were dead.

And their sons? If they ever had any, they must, Freeman thought, also, be dead; but he couldn't say of his own knowledge

Captain Trident, was he alive or dead? On this head information was uncertain.

His sisters? Freeman thought they were dead. In his own mind he had not the shadow of a doubt on the subject, because his deceased friend professed to know that as a fact.
Did they leave any sons, them surviving? On this Freeman was greatly puzzled. If they or either of them had left a heir male, he was of course entitled before Wm. Johnson, supposing that he became the next heir, in default of a Trident's issue.

My hero, at this stage of the investigation, sagaciously observed it was a pity that his father was dead, because he could no doubt answer all these inquiries satisfactorily.

Freeman repeated that, in his own mind, he had no doubt issue had failed in every instance directly provided for in the will, and that the estate had, under the last devise, passed to Johnson as the heir-at-law. His reason for supposing that this was the case was contained in a statement made to him by his deceased friend not a couple of years before his death.

In this conversation the deceased had related that, some years before, he had found out the estate was near his reach—if he got his own, that was. Of two ladies, the last devisees, who alone stood before him as the heir-at-law, one had been called to render her final account; so he must have learned that all the others had been cleared off. He considered that he was entitled to half the property at that time, and that he had been humbugged or robbed by the first trustee, the elder Sleeky.

"I went, said your poor father to me," observed Mr. Freeman, "to the office of Sleeky, Yellowboy, and Starch, in H—, and I asked for Mr. Sleeky. I was shown into his room. He was a neat, spruce, tidy-looking old man, with a bald head, a rosy face, and a smile always about his mouth,—but he was a thief, and a hypocrite, for all that. I told him that I had come about my rights. That as one of the ladies who had had the estate was now dead, I felt I ought now to have half of it. Sleeky said no—I was wrong. I had not, and never could have, any title to any part of it. I was not, he said, the heir-at-law. I asked him who was the heir-at-law, and he said that his wife, Mrs. Sleeky (who had been a Johnson) was. I told him that he was a liar, for I couldn't help saying so, as I knew he was trying to deceive me. He didn't get out of temper, though. He never did, he said, get angry—and I believe him there. Then I asked him how he made it out, and he told me a long rigmarole of a pedigree that I knew wasn't true, but I couldn't argue with him, so I gave it up then. And he says to me, 'It don't matter to you, Johnson, or to me, or Mrs. Sleeky, yet awhile, because as long as the other tenant for life' (as he called her), 'lives she enjoys the whole estate, and it will be time enough to discuss who is heir-at-law when she dies.'"

"Did my father not mention the name of those ladies?" inquired the mariner.

“Why, of course he did,” said Freeman, “and yet I can’t recollect it. Let me look at the will again, and refresh my memory.”

The copy of the will was examined again. “Captain Trident,” exclaimed Freeman; “that’s the name—his sisters—Miss Tridents. You see your father was right. *Miss* Tridents. They were not married ladies. They couldn’t have heirs male, and unless they had got hold of the property unjustly—which that trustee wasn’t the sort of man to let them do—as all the Talkers were also dead, the estate went at their deaths to the heir-at-law of the ladies who made this will, which your father always thought he was, and no doubt he was; and as you are his eldest son, why you’re now the man who ought to have the estate.”

“I wonder my father stopped there. If I had been in his shoes old Sleeky wouldn’t have got over me like that,” observed Johnson.

“What could he do, my good man, more than he did? He called upon the living Miss Trident. She was an *old* maid, I dare say. He told me that she looked at him, when he told her his business, as though he wanted to steal away her rights, and snatch the body of her dear dead sister from the grave. All he could get out of her was, that she didn’t know anything about it, but that Mr. Sleeky was a pious, God-fearing man, that he wouldn’t do her or him any wrong to the extent of a farthing, and that he had better go to Mr. Sleeky. Your father said that he had been to that ‘d—d old thief,’ upon which she ran away out of the room, as if frightened, and sent her servant to show him the door.”

“Did my father never talk to the lawyers about this affair?”

“Oh, yes, three or four; but they always wanted money, and your father always doubted them. He went all the way to Manchester to see a lawyer I have read about in the papers—a man who advocates the rights of the working-classes—and he told him that he wasn’t at all sure that Mr. Sleeky wasn’t right in saying that the living Miss Trident was entitled to her dead sister’s share in the estate. The business, he also said, wasn’t in his line, and he told your father that it would cost him a great deal of money to make out his claim, if he had one.”

“I suppose, after that, nothing was done?”

“Oh, yes. Having heard that the other Miss Trident was dead, Sleeky having died before her, and his son Wm. Sharp Sleeky having taken the old man’s place in the firm, your father went over again to H—, and saw the young man, who treated him with a polite sort of disdain. He could make nothing of him.”

“That was the end of the affair?”

“Yes, pretty nearly so. Your father at this time was a very old man. He said it didn’t matter for himself, and perhaps you were rich enough to do without the estate. If you were not, you were very likely dead. If ever you did turn up, and you wanted it–or that is, if you cared to take the trouble—you could as well recover the estate as he could. Soon after this your father died.”

"Who has the property now?"

"Well, I don't know, but I suppose that young Sleeky has it."

My father was right.

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(The passages omitted from this conversation were favoured by the bad spirit of the "Fleece," were so highly toned by emphatic nautical expletives, and so grievously violated the Scriptural injunction against swearing, that I will not offend the reader's eyesight and sense of moral propriety by inserting them.)

It may be enough to here add that the two friends, Freeman and Johnson, agreed it was useless to ask young Sleeky for any explanations, it was of no use consulting the solicitors of the neighbourhood, and that a London lawyer was the man to tackle the wrongful possessor of the estate.

The copy of the will was given to the heir-at-law, and now rightful claimant of the property, with a few, odd family papers and relics which Johnson brought home with him to the great metropolis.

On his return to London, Johnson exhausted the aid of all his friends in the search for a lawyer, whose honesty was above reproach or suspicion. At length, through the introduction of the acquaintance of one of these friends, Johnson found, or thought he found, the man he wanted in the person of a Mr. Barking. This gentleman's winning manner captivated the defrauded heir, as it might have done, and probably had done many shrewder persons.

The personal appearance of Mr. Barking, who carried on business in a small street not far from Westminster Hall, was rather prepossessing. He was tall, and proportionally developed—neither particularly slender nor stout. On his oval face and ruddy cheeks there sat an air of composure delightful to compare with the feverishness of his clients. His bald head inspired Johnson with reverence, and the eyes so deeply overshadowed by the forehead filled him with awe. When he reached home, after the first interview with this astute solicitor, he roundly assured his wife that the case was as good as won. It wouldn't be long, he said, before he got his rights.

It would be tedious to relate the early interviews between Mr. Barking and Johnson. It was, of course, not extraordinary that the solicitor should ask for money. A preliminary investigation of no trifling magnitude had to be entered upon. A long correspondence, several journeys to Yorkshire and back, searches of registers, agency charges, hotel expenses, railway fares, and numerous *et ceteras*, would, as Barking truthfully observed, entail upon him heavy "costs out of pocket." Johnson said he didn't care if he spent all the little fortune he had saved, and afterwards pawned the under-linen of himself and

Mrs. Johnson, provided that he triumphed in the end over the dishonest son of the original fraudulent trustee—the sort of observation, by the way, I think, often unwisely made by similar persons, under like circumstances.

Mr. Barking tested the determination and the resources of the poor mariner. Frequent and sometimes rather large sums were needed to cover "costs out of pocket," and just leave a trifle for the solicitor's own purse. These demands went on and were satisfied for a year and a half or so, and the client was beginning to show signs of impatience, when his legal adviser informed him that he thought he had now procured evidence upon which he could act, but he would just take counsel's opinion on the case as it stood.

Another draw upon Johnson's diminishing investments was made. A written statement of facts, and of the proofs available, was laid before Mr. Closet Worm, of Old Square, Lincoln's Inn, (brother to a solicitor of that name), who, in due course, wrote an opinion at the end thereof, favourable on the whole to Johnson's prospects, but also suggesting a few difficulties to be surmounted.

A writ was issued out of Her Majesty's Court of Common Pleas, in an action of ejectment. Copies of this process were served upon the tenants in possession of the lands and tenements which the spinsters first mentioned had devised in the will already described.

More money was needed to supply the links which Mr. Worm had shown to be wanting in the chain of evidence. The cash was produced, but tardily, and with an apparent reluctance, yet, it was produced, so Mr. Barking went on with the case. Further inquiries were set on foot, further searches for documents were made, further sound and reliable evidence was obtained. Voluminous pleadings were exchanged between the attorneys for plaintiff and defendant, and the parties to the litigation were at length brought to
an issue, a tremendous record was engrossed on parchment for the Court's guidance, and notice of trial was given for the next assizes.

The poor half-witted mariner's hopes had been depressed by the influence of time, and his faith in Mr. Barking had become weakened by the exhaustive needs of that gentleman, but hope and the faith were revived and strengthened by the prospect of a fight with the assurance of a victory.

The notice of trail had been given several weeks before it was absolutely necessary to give it, which was an act of professional courtesy on the part of the plaintiff's attorney, and the defendants thus, very fairly, had ample time afforded to get up their defence.

I say *their* defence, but it is obvious that the real defendants were the younger Sleeky, his sisters and their husbands, who claimed to derive a title to the estate in dispute through a will that the elder Sleeky had made, disposing of this property, among other honestly and ill-gotten gains. They had to provide the means of defence, and bear the brunt of the resistance to Mr. Barking's operations.

One day, about a fortnight after the delivery of notice of trial in the cause alluded to, Mr. Clearsight (of the firm of Clearsight, Quick, and Stickit, agents in London for the defendants'

attorneys), just looked in, as he said he happened to be in the neighbourhood of Mr. Barking's offices, and had a conference with poor Johnson's legal adviser.

The object of this visit by Mr. Clearsight to Mr. Barking was to mention that the defendants were particularly respectable and fair-dealing people, who instructed him to say, that in return for the courtesy of Johnson's attorney, they were prepared to waive much of their strict right, as defendants, and lay open their grounds of defense to his inspection. Mr. Sleeky, in particular, than whom Mr. Clearsight said there was no more honourable man in that catalogue of worthies, the "Law List," was prepared to show, without prejudice, all the documentary and other evidence on which they confidently relied for an easy victory. They, in fact, were quite persuaded that Mr. Barking had been consciously (or it might be unconsciously) misled by his instructions from Johnson. The plaintiff, who was a very humble and illiterate man, might be labouring under a delusion about his title, as many hundreds of other claimants to large estates were. Mr. Clearsight, of course, it was needless to inform Mr. Barking, had little or no direct knowledge of the matter. The functions of an attorney's agent had, so far, been of a purely routine character, but he had not the shadow of a doubt, from the high character and the reputation which his clients enjoyed, that their assertions might be accepted without reserve, and that they were of the same practical value as legal evidence. Mr. Barking admitted none of Mr. Clearsight's unsupported averments, and expressed his perfect confidence in the plaintiff Johnson's case. He thanked his visitor for the politeness he had displayed in calling upon him. He remarked that it was exactly such conduct as he expected from so eminent a house as that of Clearsight, Quick, and Stickit, and he thought it very probable that he should avail himself of the invitation to confer with the legal defendant, Mr. Sleeky. A few other compliments were exchanged between the attorneys, and Mr. Clearsight took his leave.

The substance of this conversation was next day frankly communicated to Johnson by Mr. Barking, and the latter expressed his intention to visit H—, and obtain what further information Sleeky could afford.

Johnson did not quite like the proposed journey and conference. He acknowledged his doubts about the usefulness of the step to be taken, but Mr. Barking laughed, or rather smiled away his prejudices. The attorney thought something might come out of the meeting, but if not, no harm could be done by it. If nothing else resulted, Sleeky would ascertain the sort of man he had to deal with in Barking, and that would certainly not increase his disposition to resist a claim founded in justice, and sustained by evidence.

It was at least possible, although not probable, argued Mr. Barking, that Sleeky would be glad to quietly yield up an estate, rather than add the further costs of useless litigation, and the penalties of detection, to the evil consequence of his father's fraud.

Mr. Barking accordingly left London for H— within a week, and spent a day and a night under the roof of the hospitable enemy.

What took place between the host and guest I am only able to conjecture, and the highly intelligent reader has an opportunity of judging by the report to the plaintiff.

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When Mr. Barking returned to town, he repeated to Johnson his faith in the ultimate result of the litigation. He was not a bit frightened by Sleeky's assertions, and as for proofs of the *defendants'* title, why, he confessed that they were anything but satisfactory to his penetrating and reflective mind. Yet he thought the defendants had a *prima facie* case, and he was sure that they would fight to the last. It was also undeniable that law was always very expensive, and always, in some degree, doubtful. He was quite prepared to go on with the action, but it must, he was now aware, be fought stoutly on the plaintiff's side, or not at all. The other side would be sure to have the best counsel that money could obtain. They would take every legal objection that the forms of law gave them; they would run the gauntlet of appeal, and would never accept, as a final defeat, anything short of an adverse verdict or judgment by a tribunal of the last resort.

Johnson listened to this elaborate report and exposition of his attorney. He did not understand half of it, for he was bewildered. Mr. Barking saw that he was overwhelmed by disappointment, and offered him such consolations as a shrewd attorney could, under the circumstances, render. I omit these in order to curtail the narrative.

"What can I do?" asked Mr. Barking, towards the end of this interview with his client. "Shall I try if the defendants will compromise the affair?"

"No!" shouted Johnson, with a profane expletive, as he violently struck the attorney's table. "I would rather die in a workhouse," he continued, "than give up a penny of my rights. I'll have the estate, and I'll punish that rascal Sleeky as well, as my poor father wished me to do."

"Well, well, my friend," pursued the attorney, in the blandest of tones, "let us see. How is it to be done? You say that you can't find me much more money, and I tell you it will require a large sum to go to trial. We must have three counsel, and two of them must be first-rate men. I shouldn't like to give Mr. Analysis Keen, our junior, less than twenty guineas with his brief, say twice that figure for Mr. Serjeant Gawker, and if Mr. Popular Silk, Q.C., the leader I should choose for a case like this, doesn't get a cheque for somcthing more than fifty with *his* brief you may rely upon it he will put the fee in his pocket, and either leave us in the lurch altogether, or what is perhaps worse, hand the brief over to young Pup Raven, who will do us more harm than good. "Then," continued the attorney, searchingly peering at the amazed client, "there will be consultation fees to the three counsel, and their clerks' fees, and subpoenas, and witnesses' conduct-money and allowances, hotel expenses, and my law stationer's bill."

"Avast!" shouted Johnson, as if aroused from a dream, and perhaps conveyed by a disordered mental retrospect to the hammock of his cabin-boyhood; "how much does all that come to?"

"Why, one way and another, call it £250, costs out of pocket." The traces of spasmodic vigour left the client's features. "But," the attorney went on to say, "up to the present time, I have asked you for very little for myself: I can't always work myself and work my clerks for nothing. If I am to go on with this case, in the teeth of such opposition as we
may expect, I must have something reasonable for myself."

"How much?" loudly inquired the client, recovering his senses.

“Well, now, let us see, as I said,” euphoniously but drawlingly replied the attorney. “I don’t want to be hard, but really solicitors, like other men, must, you know, Mr. Johnson, live—”

“How much? d—n it, I want to know how much?”

“Now, now, be calm, my dear sir.”

“How much?”

“’Pon my word, sir!” now retorted the lawyer, “this is a very improper mode of addressing me, after the attention and zeal I have displayed on your behalf. I tell you I don’t like it, sir! I’m not used to such behaviour by my clients! I am half disposed to throw up the case, but I should be sorry to injure your interests. There, I’ll say a hundred for myself; call it three hundred and fifty in all! If you can let me have three hundred and fifty—yes, I won’t ask for more—say three hundred and fifty, I’ll take the case right on to trial at the assizes. But mind, I can’t go any further for that sum. If there should be any points of law reserved for the full Court, or an application for a new trial, you must be prepared to let me have another advance of cash. I’ll not mislead you, Mr. Johnson. As I have already told you plainly, I have a good opinion of your case, but it’s entangled, and in some respects difficult to uphold by evidence, and we have rich and clever opponents, who will fight to the very last.”

The unfortunate mariner was literally overwhelmed by a sense of the difficulties in which this new demand for a heavy amount of money placed him. To raise it speedily was not possible. In order to raise it at any time, he must almost absorb the remnant of his savings. The money already furnished to Mr. Barking, and the small extravagances into which his hopes had led him, had brought him dangerously near to the poverty which his wife dreaded above all things. He suspected very bad misconduct on the part of his legal adviser, yet he thought he might be unjust in those suspicions. What if Barking should throw up the case? That might not only ruin his hopes, but sacrifice the hard cash already invested in law. He was half disposed to clutch his attorney by the throat, and he was half afraid of offending him. Caution prevailed. An unseen and unfelt agency restrained the violent impulse. A rooted determination, however, not to make nor entertain any thought of compromise had been formed. He would make no terms with the “worst of thieves.’ Anything but that he was prepared for.

The interview between the plaintiff and his attorney ended in the latter stating that as the former would not allow him to try and arrange the matter, and as his client could not or did not feel inclined to find the requisite sum for the prosecution of the suit, he must countermand the notice of trial in time to avoid a nonsuit with a judgment for defendant’s costs, and perhaps confinement of the plaintiff in a debtors’ jail until they were paid.

The notice of trial was accordingly countermanded by Mr. Barking, the plaintiff’s attorney.

Johnson carried a heavy heart from Westminster to Hackney. He told his wife, in confidence, that he knew his lawyer had “sold him,” that young Sleeky had bribed Barking, and that he would be the death of both of them some day. His suspicions about

the treachery of Mr. Barking were not breathed at the "Jolly Gardeners.'" It may have been prudence, or it may have been pride, which closed his mouth. He may have dreaded the consequences of such an accusation in the absence of proof of its truthfulness; it may have been a fear that men in their cups would call him a fool that made him disguise the suspicions he entertained.

Nothing further was ever done by the plaintiff to try his right through this action of ejectment. Mr. Barking would not, as I have explained, go on without a large sum of money, and when asked to let another attorney proceed with the case, he refused to deliver up papers and documents on which he had a lien for costs not, he said, a quarter covered by the advances he had obtained from his client.

Four years rolled along, and Johnson took no fresh step to recover his estate or punish the son of the fraudulent trustee. He persuaded himself all this while that law and justice were irreconcilable, and was afraid to risk the balance of his savings. His mortification and disappointment were, however, indirectly accomplishing his ruin. He spent more money than formerly at the "Jolly Gardeners," in trying to drown his cares, and his wife declared that the unfortunate lawsuit would be the speedy ruin of them, unless it could be settled.

Soon after the fourth year of inaction had been completed, he was introduced to an accomplished young solicitor, who was persuaded by the earnestness and simplicity of the man, that he had been unhandsomely treated by Mr. Barking, and who, after investigation, was satisfied that he and his father before him had been victimised through a breach of trust. This gentleman, rather than discharge Mr. Barking's lien on the papers, preferred to begin again. He brought another action, against a new tenant of part of the property, so as to try the right—knowing that the rest of the estate could not be held by the Sleekys after this part had been recovered. Before the action could be brought to trial, the young attorney, who suffered from a disease of the heart, died. The papers were handed over, by his relatives, to a legal friend, who prosecuted all matters which he thought profitable and easy, but looked askant at Johnson's speculative suit.

This unenterprising gentleman was, nevertheless, a creditable contrast to Mr. Barking. He was ready at any moment to hand over the papers to any other solicitor who would follow up the case, or he would not object to risk part of his own usual charges, if the bulk of the money required to try the action were provided. Very little had been done in this action, and all the outlay had to be incurred. He required that not less than £300 should be provided.

In this dilemma he thought he would consult his friend Freeman. He resolved to visit Yorkshire again, but in the first place he wisely wrote. Freeman had in the meantime discussed the affair with a great many persons, and among those who had been thus interested in it was the vicar of the parish. Freeman, in answering the letter of Johnson, mentioned this fact, and surrounded it with pleasant hopes and fictions coined by his own fertile imagination. He informed his friend, among other similar things, that he had no doubt the reverend gentleman could get some one out of several rich persons named in the letter to advance money to establish his just and lawful pretensions.

Freeman suggested that Johnson should bring with him a letter from the lawyer who might now be said to have the case in hand, expressing his opinion thereupon.

This gentleman, although not inclined to back that opinion by taking the second action to trail at his own risk, was nevertheless quite satisfied that his late friend's client had an undoubted title to the property in question. He accordingly wrote the letter requested.

Johnson, armed with this epistle, went to Yorkshire, saw Freeman again upon the subject, and was by him introduced to the worthy clergyman through whose aid so much was expected. The reverend gentleman read the epistle with great care, listened with the deepest attention to the oral explanations given, and was greatly interested in the case.

He had reasons which form no part of this story for suspecting the general integrity of the Sleekys.

The worthy minister had, however, no means of aiding the claimant, nor did he know any parishioner or friend upon whom he could call to advance £300 for a stranger from London to prosecute a litigation with.

A few miles from the vicarage, but in another parish, there dwelt and practised two solicitors in partnership, who had the reputation of being at once able and thoroughly respectable. To these gentlemen, Messrs. Smoothy and Grinder, the vicar gave Johnson a letter of introduction, which Johnson and his wife (who had followed him from London) next day presented.

It is desirable to remark that Johnson, who was well satisfied with the London lawyer, merely wished to borrow enough money to carry on the suit. He wished to leave its management in the hands of the gentleman who had taken the business of his deceased legal adviser. This he carefully explained to Mr. Grinder at the interview, and that person merely answered by a request that he would leave the affair in his, the solicitor's hands; which Johnson interpreted to mean, leave the affair of raising the money wanted to him.

About four or five weeks elapsed, during which Johnson had several interviews with Mr. Grinder, and one day he was desired to call upon the firm, and go over with Mr. Grinder to H—, to see Mr. Sleeky's partner. Johnson, who, let the truth be told, had been indulging all through a month in strong waters far more than was consistent with any rational idea of temperance, objected to the proposed journey and interview, but yielded up his objections to the force of Mr. Grinder's arguments and persuasion. He afterwards explained that he thought this gentleman wanted to fortify his opinion of the claimants' title by the interview. At all events he agreed to go to H— next day.

About nine o'clock on the appointed morning Mr. Grinder and Mr. and Mrs. Johnson went over in a fly to H—. The first person of the party selected an inn to rest at. They were shown into a room (by the request of the solicitor), and the tippling mariner was told by his professional guardian to call for some refreshments. He was further told that he should not have long to wait. Hours rolled along, and no Mr. Sleeky or partner made his appearance. Mr. Grinder, who explained that he had other and very important business to transact in H—, looked in upon them,

however, several times, and left them again. Poor Mrs. Johnson, who had misgivings, which she avowed to her husband, but was afraid to express to Mr. Grinder, was all the while in an agony of suspense. Her husband, however, beguiled the time with the assistance of rum, in diffuse expositions of law and justice, in threats and imprecations against Sleeky, and in scolding his unquestionably better and wiser half.

They arrived at the inn at about eleven o'clock in the forenoon. Mr. Grinder looked in several times to see and exchange a word with the Johnsons, and left them as often. At length, at about four o'clock in the afternoon, Johnson being then "three" (or perhaps four) "sheets in the wind," Mr. Grinder came to them, and said that he wanted to talk to them in the next room. They were then led to the room, in which there were two gentlemen beside their protector, who told him that he had arranged what he wanted, and that he should have the £300. He was told to sign the paper (not parchment) then lying before him, and to do something else which he does not recollect, but which the reader may understand was the completing formality of the execution of a deed. He wanted, drunk as he was, to know what it was all about, and some sort of explanation was given him, the only part of which he can recollect is, that it was to get him payment of £300. His wife, who, although she resolutely refused to drink, had got bewildered hours ago, had also to execute this paper instrument, and after much persuasion, the nature of which she cannot recollect, she did so. Mr. Grinder, who advanced them a few pounds, then ordered them a fly to themselves, and they were driven back to B—, with an instruction to call at the offices of Smoothy and Grinder next day for the money. Grinder· told Mrs. Johnson that he thought it better not to give her husband the money then, and she approved of his caution. She knew that her husband would not let her keep it, if she had received it.

It was about two o'clock next day when Johnson and Freeman set out to walk over to the little town in which Messrs. Smoothy and Grinder practised. Johnson was on that morning afraid he had "put his hand" to something wrong, but honest Freeman laughed away that apprehension. He was sure the lawyers to whom the vicar had sent his friend could not have played him false. He had heard something about "striking off the rolls," and he was, he said, "above the prejudice about lawyers.'' His own experience led him to believe that although they expected to be well paid for all they did, they never, or at least very seldom indeed, were guilty of downright dishonesty.

They took two hours in the journey to the offices of Smoothy and Grinder. They were shown into Mr. Smoothy's room. That gentleman was politely asked by Freeman for some explanations. He could not give them. His partner, he said, attended to the business from first to last, but it was, no doubt, quite right. He added, that there was an account, which his partner, who had unfortunately been called to London by a letter received that morning, had prepared. Would they look at it? The figures would doubtless explain all they wanted to know. Freeman looked at it. It admitted the receipt of £300. Freeman particularly noticed the amount. It was the sum received by his friend. That disarmed any suspicion which he might have caught from Johnson. The costs, of which no items were given, were £60. Freeman thought it a large sum, but said that was just like the lawyers, who would always be well paid. Still that did not justify a thought of absolute treachery. Freeman told Johnson to take the money. His London lawyer wouldn't, he suggested, be so particular. £240 was near enough for the purpose or the London solicitor. After all, £60 was not a large sum off the aggregate or full value of the estate to be recovered. This was the

way Freeman's practical sagacity led him to view the matter. Johnson saw the glittering sovereigns and genuine bank-notes. His hands itched to grasp them. He accordingly took the sum offered him, and on being asked to sign the account, did so without much hesitation.

Freeman and Johnson afterwards returned to B—. The latter would have remained some time in his native village, but the former, in dread of the money being partially dissipated, advised his friend not to tarry in Yorkshire, and under this advice he left for the metropolis, after just giving a cheap entertainment at the "Fleece" to some new friends.

Shortly after his return to town again, Johnson saw his solicitor, who complained of the conduct of Smoothy and Grinder, and also thought his client had acted with much imprudence, if not a little unfairness towards him. This lawyer was a strictly honourable and a somewhat punctilious man. He refused to take the money which the unlucky mariner was now able to offer him. He said that he did not care about interfering further in the case. In fact, he would much rather not have anything more to do with it. I presume he saw it was not one of those easy matters of routine, calling for the exercise of no brains, giving no real thought or trouble, and yet very lucrative, which are the sort of things out of which attorneys and solicitors have made, and despite law reformers, yet make large incomes, and he would, I can understand, rather not be bothered with it. So, when a canon of his office seemed to be disregarded by the confidence unwisely reposed in Smoothy and Grinder, the eminently respectable London practitioner, who loved his ease as much as any man known to the illustrious Dibdin, was not sorry to have a decent pretext for avoiding the laborious and troublesome pursuit of justice in which some human skill might be called for. From whatever cause it may have arisen, his ultimate determination was to have nothing further to do with the affair.

Poor Johnson was thus once more baffled and defeated by obstacles which it seemed that the enemy had not thrown in his path. What was to be done? His suit was tied up. Justice was checkmated by the law or the lawyers. A torpor seized upon him. For days together he never stirred out of his house, and when he did so he rarely came home sober. In this way the money he had received was being dribbled away, when another high road to fortune was exhibited to him.

A person with whom he was slightly acquainted, who knew his case, and was aware of the money he received in Yorkshire, a Mr. Shearer, called his attention to the brilliant prospectus of a Cornish mine, which promised more liberal returns for the capital invested than a defrauded freeholder could get from the legal recovery of his estates. It did not require much persuasion to induce the half-witted man to sink his money in this adventure, wherein, it was, of course, wholly and hopelessly lost. He first risked the balance of the money which he had received from the hands of Smoothy and Grinder, but when calls were demanded in order to just complete some fabulous part of the scheme in which its profits lurked, the victim was led to turn the remnant of his invested savings into loose cash, which followed the other money beyond recall.

The unlucky couple were soon utterly beggared. The workhouse appeared the only resource of livelihood remaining, and from that they were alone saved by the stimulus of revenge. Johnson pottered about Hackney, and got odd jobs of gardening and unskilled labour to do. His wife found a little employment as a char and washerwoman. Johnson commanded virtuous resolution

enough to avoid the "Jolly Gardeners," and their earnings satisfied their frugal needs. The wife declares that the loss of their money was the
best thing which ever happened to them. She never knew so much comfort with Johnson since her marriage as after that mining misadventure.

All the while Johnson and his wife toiled he had his mind's eye fixed upon the estate, and the sole object of his ambition was the realisation of his father's legacy—the punishment of the trustee by succession.

One Sunday morning, as he strolled over the fields near his cottage, he encountered the friend who had helped him to the mineral sacrifice. Johnson did not like to speak with this person, and yet, as he entertained no revengefulness towards anyone but Mr. Sleeky, he shook hands with the offender, and asked him to come and have a bit of dinner with him. This invitation was accepted. In the course of that afternoon the friends chatted over a variety of topics, among which the mine and its failure, the estate in Yorkshire, and the efforts to recover it, were prominent.

Mr. Shearer, the guest of Johnson, was rejoiced, he said, to know that he could repair in some manner the misfortunes of "the other affair" in which both he and Johnson had been deluded. Now, he knew a lawyer who was just the sort of man for this case. His legal friend, if he might call him by that term, would bring Sleeky to his senses in double quick time. This solicitor was as clever and sharp as Mr. Barking, and had not that gentleman's faults. He would speak to him about the matter the very next day, and report to Johnson.

The effect of the report next day was favourable. Several interviews afterwards took place between Johnson and Mr. Thriver, of Gravies' Inn, the solicitor referred to, who ultimately laid another case before counsel for his opinion, which led him to file a bill in the High Court of Chancery. This counsel, learned in the law, advised that, instead of pursuing the actions of ejectment, proceedings should be taken in equity. In reply to this bill, Mr. Sleeky pleaded the deed which Johnson and his wife executed under the circumstances already described. In this deed it was, among other things, recited "that Wm. Johnson had proposed to relinquish and give up all his estate or right and title (if any) in and to the said messuages lands and hereditaments unto the said Wm. Sharp Sleeky and his heirs for and in consideration of the sum of £300 which sum the said Wm. Sharp Sleeky for the purpose of avoiding disturbances and litigation had consented to pay accordingly."

In the same deed it was also witnessed, "that in pursuance of the said recited contract and agreement and in consideration of the sum of £300 of lawful money of the United Kingdom by the said Wm. Sharp Sleeky paid to the said Wm. Johnson who thereby acknowledged that he had received the same sum and he admitted it to be in full for the absolute purchase of all his estate or right title and interest whatsoever (if any) in and to the messuages lands and other hereditaments intended to be thereby assured and did thereby release the said Wm. Sharp Sleeky his representatives and assigns from the same sum he the said Wm. Johnson did accordingly dispose of and release unto the said Wm. Sharp Sleeky and his heirs all those messuages lands tenements and hereditaments lying and being in or commonly called or known by the name or names of Brownedge and Greentree in the parish of W— in the county of York or by whatsoever name or names the same hereditaments and premises had been theretofore called or known."

As Johnson and his wife were married prior to the 2nd of January, 1834, she had an inchoate right of dower out of the estate, so that she was made a party to the deed, and her execution had to be, or ought to have been, acknowledged before a commissioner appointed for that purpose by the Lord Chancellor, whose duty it was to examine her apart from her husband, to see if she knew the nature of the instrument she executed, and executed it of her own free will.

The production of this deed was a complete answer to the prayer of the bill as it stood. Johnson's counsel, however, advised that the Court would set it aside, or declare it invalid on the ground of fraud, upon the circumstances already described being evidenced. Improvements in the practice of the Court of Chancery enabled the bill of complaint to he amended on payment of a fee of twenty shillings, but somehow or other the solicitor would not incur this extra expense, or move an inch further in the case. The litigation had again been brought to a dead lock.

This last defeat was almost a death-blow to hopes, ambition, and thirst for vengeance on the part of the Johnsons. The poor old mariner felt the case was hopeless. There was no law or equity for the poor man. Rich men, especially lawyers, might rob people of estates with impunity. What had caused the last solicitor to desert him? Sleekys must have bribed him, as they would bribe others as often as he could otherwise bring his case within the prospect of honest settlement. So reasoned the mortified suitor.

Despairing of ever "getting his rights," and under the pressure of daily wants, the Johnsons pursued the even tenor of their way,—toiling hard and living frugally for several years, when at length a special providence was vouchsafed them.

I am not prepared to say that virtue is always rewarded, or that vice always receives its punishment in this world. I know that many wrongs go unredressed, and that many a virtuous career ends in embarrassment and suffering. My experience of men and things leads me, nevertheless, to the belief that virtue has enormously the preponderance or chances in the lottery of life, and that vice is not often permanently triumphant. For my own part, I would not, if I could, wrest an estate from its true owner. The anxiety attending the possession of stolen property must always be dreadful. The consequences of such a fraud as that I describe may follow the delinquent beyond the grave, and rest upon his children or remoter descendants. When the rich culprit makes his will or goes to the tomb he cannot be sure that he is not leaving behind him a burden of sorrow instead of consoling wealth to his posterity, as the present case will show.

Mr. Wm. Sharp Sleeky had gone to his grave, and his portion of the spoil had been taken by his children under a will, before justice was reached by the poor mariner. Several years before he died he became a lunatic, and only the good will of an affectionate wife and children saved him from an asylum.

Wm. Johnson, then a man well-nigh stricken in years, and his wife, a very aged woman, had been employed in odd jobs about the garden and household of a solicitor who resided in Hackney, and the story of their fruitless litigation permeating upwards (if that expression be correct) through the household, at length reached and interested the lawyer's wife. She

mentioned it to her husband, who was induced to look into the case. A cursory view of the matter led him to pursue the investigation. After a few salient points of the narrative had been tested, that gentleman was half convinced that a complicated fraud had been long ago effected, and that he could wrest the estate from the possessors, if not obtain some portion of the back rentals from ·the recipients or their legal representatives.

Another bill was filed in the High Court of Chancery, setting forth all the misconduct of all the parties, inclusive of old Sleeky, Mr. Barking, Smoothy and Grinder, and Mr. Thriver. It was a powerful combination of fraud to break through, and when I read the "bill of complaint," I thought the gentleman who could undertake such a suit was indeed a bold man. It ought also to be said, that he had no ordinary temptation to do it. He was in large and good practice, and was therefore not in want of business. The old mariner had no money, and could not pay his costs if the suit were unsuccessful. If the plaintiff' established his claim, a large portion of the outlay (such as my charges) would not be allowed by the taxing master as costs in the suit, and be so extracted from the defendants. It will be obvious to the reader that the risks and the trouble exceeded any chance of adequate compensation. Yet the suit was prosecuted without stint of money, and with more than usual liberality and efficiency by the professional gentleman who last took the matter up.

I was employed a long time over this case, and I collected more evidence than it was necessary to use in proof of the fraudulent conduct of the parties. Among the facts which also tended to point suspicion of the worst kind to certain parties was, that on the day of Mr. Barking's arrival at H—, a good sum was drawn by Wm. Sharp Sleeky from his bankers at Leeds, and immediately after the former person's return to London he was able to satisfy a few pressing demands by angry creditors of his own. I also discovered that on the day before the deed already mentioned was executed, a sum far larger than £300 was drawn out of a bank, where the account of Mr. Sleeky was then kept, and I know that £60 was not all Mr. Grinder made (unknown to Mr. Smoothy) by a transaction already narrated. It was also an odd coincidence, although I could not trace the money to the hands of Mr. Thriver, that about £400 was drawn by Mr. Sleeky from the bank, on a cheque payable to himself, about the time when the defendant's answer was filed to the bill which the former had prepared. The reader will attach what value he thinks fit to these little circumstances, and if they point any suspicion against individuals, I cannot help it.

In various modes evidence establishing the accuracy of an elaborate pedigree was collected. The bill and answer and all the evidence and pleadings were completed.

When the case had been thus got ready to try, offers of compromise and arrangement were made by the defendants, and declined by the plaintiff's solicitor. The latter was determined that no advice of his should prevent the course of law or equity from overtaking all the delinquents and all the accessories in this protracted fraud.

At length, on the 19th day of April, 18—, the case came on for hearing before the Master of the Rolls.

The plaintiff prayed, on the strength of the allegations set forth in his bill, that—

"1. That the deed already described might be set aside as obtained by Wm. Sharp Sleeky fraudulently and improperly and by surprise and as executed by the plaintiff improvidently and hastily and without adequate consideration and that the defendants might be decreed to execute to the plaintiff a proper re-conveyance of all the messuages lands and hereditaments conveyed by the said deed. 2. That the right of the plaintiff to the said lands tenements and hereditaments as the heir of the said testatrixes might be established by the Court. 3. That upon the right of the plaintiff being so declared the defendants might be directed to give up to the plaintiff possession of the said messuage lands and hereditaments. 4. That an account might be taken of the rents issues and profits of the said lands tenements and hereditaments which have been received and possessed by the said defendants might respectively be decreed to pay to the plaintiff the amount of the rents issues and profits so received and possessed by them respectively after deducting therefrom all just allowances in respect of the outlay incurred and in the proper management and maintenance of the said premises. 5. That the defendants Smoothy and Grinder might furnish full and complete discovery as to the matters alleged against them. 6. That the other defendants might be directed to pay the costs of this suit. 7. That the plaintiff might have such further or other relief as the nature of the case highly require."

The answer of the several defendants denied all the allegations contained in the bill, traversed all the issues raised by the plaintiff, and asked the Court to direct that he should bear all the costs they incurred in resisting his pretensions—which meant practically (looking to the poverty of the plaintiff), that they might seize and imprison his venerable carcass.

The plaintiff being thus daring, and the defendants being thus driven to fight the case in open court, a splendid array of counsel on front and back benches assembled to hear the case argued. Several of these gentlemen in horsehair wigs and silk and stuff gowns held briefs for the plaintiff and the defendants. Others were mere spectators of the fight.

The plaintiff's case was partially heard on the first, and concluded on the next day. The defendant got through his case in one day.

A multitude of affidavits showed the births, marriages, deaths, and identities of the persons set out in the pedigree through which the plaintiff claimed, and cleared off lines of descent provided for by the will. Other affidavits went to prove the allegations made in this narrative against several persons. Much labour had been expended to show, as I think was shown, that the plaintiff and his wife did not know what they were signing when they executed the deed selling their rights (if any), which Mr. Sleeky, Jun., denied, for £300.

Several affidavits read in court on behalf of the defendants endeavoured to make out their right to the estate, but they did this so imperfectly, that the Master of the Rolls could not help smiling. Other affidavits skilfully prepared showed the anxiety of the drawers and swearers to make out that the plaintiff and his wife knew perfectly well what they were about when they executed—and the one was said to have acknowledged—the deed.

The arguments of the learned counsel for plaintiff and defendant can be well and accurately imagined by the reader.

The Master of the Rolls, at the conclusion of the argument, reserved his decision, in order that he might attentively peruse the whole of the evidence, examine the precedents quoted, and give due consideration to the able arguments of the many learned gentlemen who had addressed him on behalf of the parties to the suit.

The judgment was full and elaborate. His Honour reviewed all arguments of the counsel for the defendants with critical nicety, and held them to be untenable. Much stress had, he said, been laid in the argument upon the statute of limitations, but he held that it did apply. Mr. Sleeky, the elder, obtained possession of the estate, and his son and his successors had also held it dishonestly. No statute of limitations would bar the remedy against fraud. No lapse of time would confer a title upon the present wrongful holders. He warmly reprobated the conduct of the Sleekys, speaking of them as infamous men who had discredited the honourable profession to which they belonged, and had scandalously employed the powers of their trust to effect and cover their heartless robbery of the heirs-at-law. It was true, his Honour observed, that the present defendants were not participators in the original fraud. They were but the children and the husbands of the children of the second trustee. The Court regretted that the Sleekys were beyond the reach of its censure, and that the earthly course of justice had, in this case, been anticipated by the inexorable decrees of the Most High. If, the judge said, he might without profanity express a wish that the course of Providence could have been directed otherwise than it had been, he would have liked to have had the opportunity of degrading those unworthy men, and holding them up to the condemnation of all England. He believed that there had never been a more flagrant and cruel case of breach of trust than the one he had now to consider. The other principal ground of the defence was the deed by which the plaintiff Johnson had agreed to relinquish and give up all his right and title (if any) to the Brownedge and Greentree estates for £300. This, he said, was a part of the case he had more anxiety in deciding upon than that he had already spoken of. The defendants in substance argued that, granting the trustees had defrauded the heirs-at-law of the testatrixes, the plaintiff and his wife had, with their eyes open, condoned that long offence, and sold the estate to their plunderers for the sum of £300. This was a very unpleasant part of the case, because it involved the professional and personal character of Messrs. Smoothy and Grinder, the gentlemen and officers of that honourable court, and the Commissioner who had taken, or professed to have, taken, the acknowledgment of the plaintiff's wife. He would first deal with the conduct of the parties concerned in the execution of that deed. The plaintiff was himself blameworthy. On his own showing, a transaction which he asked the Court to impeach had been facilitated by his own drunkenness. Still that did not mitigate the offence perpetrated by his legal advisers, or Mr. Sleeky, the purchaser. With regard to the Mr. Grinder's alleged share in the fraud, he should say as little as possible. He thought it had not been strictly proved by evidence, of which the Court could take cognizance, that Mr. Grinder had ordered or directly caused the drink to be supplied to the plaintiff; and he even thought it was open to doubt whether the plaintiff was totally incapable of understanding the effect and meaning of ordinary transactions at the moment when he executed the deed in question. So far the Court would offer no opinion. Nor would it decide the truthfulness or injustice of the inferences suggested to the prejudice of Mr. Barking and Mr. Thriver. There was a cloud of mystery and of doubt surrounding the parts of the case of the plaintiff, now referred to, which must excuse his pronouncing an opinion either way. It was, however, demonstrated to the perfect satisfaction of the Court that if Mr. Grinder had not been mixed up in a collusion or conspiracy to defraud his own client—the most infamous of all possible acts—he had, from first to last, in the part he had

played in this affair, been culpably, shamefully negligent. Of this there could be no doubt, and he preferred to rest the decision of the Court on that aspect of the plaintiff's solicitor's conduct. What, then, did that view of Mr. Grinder's proceedings lead to?

"Here is a poor old illiterate man claiming to be entitled to an estate. He is introduced to a clergyman, who furnishes another introduction to what the reverend gentleman believes to be an eminently respectable firm of solicitors. He calls upon them. He is not, however, wholly unknown to them. One of them (Mr. Grinder) had been the playmate of his infancy. He is not the mere hawker of a grievance, or the vague, indefinite asserter of an undefined claim. I fear Mr. Grinder knew his claim to be a good one. Plaintiff, in one of his affidavits, swears that Mr. Grinder told him the Sleekys had robbed him, and that they had no more right to the Browedge and Greentree property than he (Mr. Grinder) had. However that may have been, it is in evidence, and uncontradicted, that the plaintiff Johnson's claim had been investigated by a London solicitor, who conceived it to be an undoubtedly gone one. This gentleman, after critically examining the title, arrived at the conclusion that an action of ejectment could be maintained upon it. This was mentioned in a letter handed by Johnson to Grinder, and gave the latter distinct notice that it was, if anything, an estate, and not the chance of winning an estate, that he had to sell, as the defendant's counsel have ingeniously contended.

"The learned counsel for the defendants have ingeniously, and I do not say unfairly, argued that although £300 was a palpably inadequate consideration for an estate worth £20,000, yet, if the plaintiff's title were uncertain, and if it were but the chance of such an estate that he sold, £300 might be an adequate consideration for such a probability. I say, however, that the skilful hypothesis of the defendant's counsel will not hold. Mr. Grinder ought to have known (a proper examination into the facts of his client's case would have shown him) what stands out in distinct relief before my eyes,—that the plaintiff's title to the Brownedge and Greentree property was as clear as that of any country gentleman or peer in this realm. Again, let us look at the argument, as applied to the other side, of the defendants themselves. It cannot be said that Mr. Wm. Sharp Sleeky thought he was purchasing a mere chance or contingency. He knew when with his own hand he drew the recitals of this deed that the title "if any" as he put it, and which he denied, was a perfect title. This purchaser was the living fraudulent trustee, as his father had been before him. They held all the title-deeds. They knew the pedigree of Johnson. They had watched and noted the dropping of each limitation or line of descent provided for by the will—the survivor of them, Mr. Wm. Sharp Sleeky, knew that the deed, if good at all, passed an undeniable fee simple in an estate worth £20,000. It would be a grave defect, amounting to a scandal upon equity jurisprudence, if a fraud so consummate could ever give a title to property, by barring the remedy of the defrauded. I hold that the statute of limitations does not run against the original fraud of the first trustee, Sleeky, and that no title can be derived by the present defendants through him. I hold that whether Mr. Grinder colluded with the younger Sleeky or not, whether the plaintiff was or was not drunk when he executed the deed so often referred to, he was not properly protected by his solicitor, advantage was most probably taken of his necessities, his poverty, and his ignorance. I find in the words of the prayer of the bill that the plaintiff "improvidently and hastily, and without adequate consideration," executed that deed so craftily drawn by the hand of a fraudulent trustee, and so negligently, or perhaps dishonestly, approved by the solicitors who ought to have watched over and protected his interests. I decree, accordingly, that the plaintiff shall have the relief prayed for in the first, second, third, fourth, and fifth clauses of the prayer of

his bill. With regard to the sixth prayer, as the defendants now in possession of the estate, although not concerned in the original frauds, have pertinaciously held the estate against the plaintiff, and compelled him to carry this suit to its termination, for the recovery thereof, I decree that they pay the costs.

Poor old Johnson and his wife graced their triumph by the moderation of their treatment of the defendants. They waived their right to the accounts asked for in the fourth prayer of the bill, and spared Smoothy and Grinder the humiliation directed in the sixth paragraph of the decree. A comparatively small sum of money was accepted in lieu of "the rents issues and profits," and they abandoned all notions of vengeance upon the living offspring of the dead criminal maniac.

Johnson and his wife now live upon the estate. They live simply but happily and affectionately. The old vice of drunkenness is not to be found in the catalogue of his present faults. Mr. Freeman is their almost constant companion, friend, and adviser. I will let the reader into a secret. I am told that Johnson has settled his property so that it will go at his death to his wife (subject to an annuity to Freeman), for her life; and at her death (subject to the annuity to this friend), it goes to the children of the solicitor who rescued it from the kindred of the despoilers.

From Forrester, Andrew Jr. *The Revelations of a Private Detective*. London: Ward and Lock, 1863. 185-234.