

## CHAPTER XVI.

### SHORT ON LEGAL ETIQUETTE.

"Well, Meeson, what is it? Have you come to ask me to lunch?" asked Mr. John Short. "Do you know I actually thought that you might have been a client."

"Well, by Jove, old fellow, and so I am," answered Eustace. "I have been to your brother, and he has sent me on to you, because he says that it is not the etiquette of the profession to see a client unless a solicitor is present, so he has referred me to you."

"Perfectly right, perfectly right of my brother James, Meeson. Considering how small are his opportunities of becoming cognizant with the practice of his profession, it is extraordinary how well he is acquainted with its theory. And now, what is the point?"

"Well, do you know, Short, as the point is rather a long one, and as your brother said that he should expect us at two precisely, I think that we had better take the 'bus back to the Temple, when I can tell the yarn to both of you at once."

"Very well. I do not, as a general rule, like leaving my office at this time of day, as it is apt to put clients to inconvenience, especially

such of them as come from a distance. But I will make an exception for you, Meeson. William," he went on, to the counterpart of the Pump-court infant, "if anyone calls to see me, will you be so good as to tell them that I am engaged in an important conference at the chambers of Mr. Short, in Pump-court, but that I hope to be back by half-past three?"

"Yes, Sir," said William, as he shut the door behind them: "certainly, Sir." And then, having placed the musty documents upon the shelf, whence they could be fetched down without difficulty on the slightest sign of a client, that ingenious youth, with singular confidence that nobody would be inconvenienced thereby, put a notice on the door to the effect that he would be back immediately, and adjourned to indulge in the passionately exhilarating game of "chuck farthing" with various other small clerks of his acquaintance.

In due course, Eustace and his legal adviser arrived at Pump-court, and, oh! how the heart of James, the barrister, swelled with pride when, for the first time in his career, he saw a real solicitor enter his chambers accompanied by a real client. He would, indeed, have preferred it if the solicitor had not happened to be his twin-brother, and the client had been some other than his intimate friend; but still it was a blessed sight--a very-blessed sight!

"Will you be seated, gentlemen?" he said with much dignity.

They obeyed.

"And now, Meeson, I suppose that you have explained to my brother the matter on which you require my advice?"

"No, I haven't," said Eustace; "I thought I might as well explain it to you both together, eh?"

"Hum," said James; "it is not quite regular. According to the etiquette of the profession to which I have the honour to belong, it is not customary that matters should be so dealt with. It is usual that papers should be presented; but that I will overlook, as the point appears to be pressing."

"That's right," said Eustace. "Well, I have come to see about a will."

"So I understand," said James; "but what will, and where is it?"

"Well, it's a will in my favour, and is tattooed upon a lady's neck."

The twins simultaneously rose from their chairs, and looked at Eustace with such a ridiculous identity of movement and expression that he fairly burst out laughing.

"I presume, Meeson, that this is not a hoax," said James, severely. "I presume that you know too well what is due to learned counsel to attempt to make one of their body the victim of a practical joke?"

"Surely, Meeson," added John, "you have sufficient respect for the dignity of the law not to tamper with it in any such way as my brother has indicated?"

"Oh, certainly not. I assure you it is all square. It is a true bill, or rather a true will."

"Proceed," said James, resuming his seat. "This is evidently a case of an unusual nature."

"You are right there, old boy," said Eustace. "And now, just listen," and he proceeded to unfold his moving tale with much point and emphasis.

When he had finished John looked at James rather helplessly. The case was beyond him. But James was equal to the occasion. He had mastered that first great axiom which every young barrister should lay to heart--"Never appear to be ignorant."

"This case," he said, as though he were giving judgment, "is, doubtless, of a remarkable nature, and I cannot at the moment lay my hand upon any authority bearing on the point--if, indeed, any such are to be found. But I speak off-hand, and must not be held too closely to the obiter dictum of a viva voce opinion. It seems to me that, notwithstanding its peculiar idiosyncrasies, and the various 'cruces' that it presents, it will, upon closer examination, be found to fall within those general laws

that govern the legal course of testamentary disposition. If I remember aright--I speak off-hand--the Act of 1. Vic., cap. 26, specifies that a will shall be in writing, and tattooing may fairly be defined as a rude variety of writing. It is, I admit, usual that writing should be done on paper or parchment, but I have no doubt that the young lady's skin, if carefully removed and dried, would make excellent parchment. At present, therefore, it is parchment in its green stage, and perfectly available for writing purposes.

"To continue. It appears--I am taking Mr. Meeson's statement as being perfectly accurate--that the will was properly and duly executed by the testator, or rather by the person who tattooed in his presence and at his command: a form of signature which is very well covered by the section of the Act of 1. Vic., cap. 26. It seems, too, that the witnesses attested in the presence of each other and of the testator. It is true that there was no attestation clause: but the supposed necessity for an attestation clause is one of those fallacies of the lay mind which, perhaps, cluster more frequently and with a greater persistence round questions connected with testamentary disposition than those of any other branch of the law. Therefore, we must take the will to have been properly executed in accordance with the spirit of the statute.

"And now we come to what at present strikes me as the crux. The will is undated. Does that invalidate it? I answer with confidence, no. And mark: evidence--that of Lady Holmhurst--can be produced that this will did not exist upon Miss Augusta Smithers previous to Dec. 19, on which day the

Kangaroo sank; and evidence can also be produced--that of Mrs. Thomas--that it did exist on Christmas Day, when Miss Smithers was rescued. It is, therefore, clear that it must have got upon her back between Dec. 19 and Dec. 25."

"Quite so, old fellow," said Eustace, much impressed at this coruscation of legal lore. "Evidently you are the man to tackle the case. But, I say, what is to be done next? You see, I'm afraid it's too late. Probate has issued, whatever that may mean."

"Probate has issued!" echoed the great James, struggling with his rising contempt; "and is the law so helpless that probate which has been allowed to issue under an erroneous apprehension of the facts cannot be recalled? Most certainly not! So soon as the preliminary formalities are concluded, a writ must be issued to revoke the probate, and claiming that the Court should pronounce in favour of the later will; or, stay, there is no executor--there is no executor!--a very important point--claiming a grant of letters of administration with the will annexed: I think that will be the better course."

"But how can you annex Miss Smithers to a 'grant of letters of administration,' whatever that may mean?" said Eustace, feebly.

"That reminds me," said James, disregarding the question and addressing his brother, "you must at once file Miss Smithers in the registry, and see to the preparation of the usual affidavit of scripts."

"Certainly, certainly," said John, as though this were the most simple business in the world.

"What?" gasped Eustace, as a vision of Augusta impaled upon an enormous bill-guard rose before his eyes. "You can't file a lady; it's impossible!"

"Impossible or not, it must be done before any further steps are taken. Let me see; I believe that Dr. Probate is the sitting Registrar at Somerset House this sittings. It would be well if you made an appointment for to-morrow."

"Yes," said John.

"Well," went on James, "I think that is all for the present. You will, of course, let me have the instructions and other papers with all possible speed. I suppose that other counsel besides myself will be ultimately retained?"

"Oh! that reminds me," said Eustace; "about money, you know. I don't quite see how I am going to pay for all this game. I have got about fifty pounds spare cash in the world, and that's all: and I know enough to be aware that fifty pounds do not go far in a lawsuit."

Blankly James looked at John and John at James. This was very trying.

"Fifty pounds will go a good way in out-of-pocket fees," suggested James, at length, rubbing his bald head with his handkerchief.

"Possibly," answered John, pettishly; "but how about the remuneration of the plaintiff's legal advisers? Can't you"--addressing Eustace--"manage to get the money from someone?"

"Well," said Eustace, "there's Lady Holmhurst. Perhaps if I offered to share the spoil with her, if there was any."

"Dear me, no," said John; "that would be 'maintenance.'"

"Certainly not," chimed in James, holding up his hand in dismay. "Most clearly it would be 'Champerty'; and did it come to the knowledge of the Court, nobody can say what might not happen."

"Indeed," answered Eustace, with a sigh, "I don't quite know what you mean, but I seem to have said something very wrong. The odds on a handicap are child's play to understand beside this law," he added sadly.

"It is obvious, James," said John, that, "putting aside other matters, this would prove, independent of pecuniary reward, a most interesting case for you to conduct."

"That is so, John," replied James; "but as you must be well aware, the



etiquette of my profession will not allow me to conduct a case for nothing. Upon that point, above all others, etiquette rules us with a rod of iron. The stomach of the bar, collective and individual, is revolted and scandalised at the idea of one of its members doing anything for nothing."

"Yes," put in Eustace, "I have always understood they were regular nailers."

"Quite so, my dear James; quite so," said John, with a sweet smile. "A fee must be marked upon the brief of learned counsel, and that fee be paid to him, together with many other smaller fees; for learned counsel is like the cigarette-boxes and new-fashioned weighing-machines at the stations: he does not work unless you drop something down him. But there is nothing to prevent learned counsel from returning that fee, and all the little fees. Indeed, James, you will see that this practice is common amongst the most eminent of your profession, when, for instance, they require an advertisement or wish to pay a delicate compliment to a constituency. What do they do then? They wait till they find £500 marked upon a brief, and then resign their fee. Why should you not do the same in this case, in your own interest? Of course, if we win the cause, the other side or the estate will pay the costs; and if we lose, you will at least have had the advantage, the priceless advantage, of a unique advertisement."

"Very well, John; let it be so," said James, with magnanimity. "Your

check for fees will be duly returned; but it must be understood that they are to be presented."

"Not at the bank," said John, hastily. "I have recently had to oblige a client," he added by way of explanation to Eustace, "and my balance is rather low."

"No," said James; "I quite understand. I was going to say 'are to be presented to my clerk.'"

And with this solemn farce, the conference came to an end.