

CHAPTER XVIII.

AUGUSTA FLIES.

Of course, Augusta's story, so far as it was publicly known, had created no small stir, which was considerably emphasised when pictures of her appeared in the illustrated papers, and it was discovered that she was young and charming. But the excitement, great as it was, was as nothing compared to that which arose when the first whispers of the tale of the will, which was tattooed upon her shoulders, began to get about.

Paragraphs and stories about this will appeared in the papers, but of course she took no notice of these.

On the fourth day, however, after she had been photographed for the purposes of the Registry, things came to a climax. It so happened that on that morning Lady Holmhurst asked Augusta to go to a certain shop in Regent-street to get some lace which she required to trim her widow's dresses, and accordingly at about half-past twelve o'clock she started, accompanied by the lady's maid. As soon as they shut the front door of the house in Hanover-square she noticed two or three doubtful-looking men who were loitering about, and who instantly followed them, staring at her with all their eyes. She made her way along, however, without taking any notice until she got to Regent-street, by which time there were quite a score of people walking after her whispering excitedly at each other. In Regent-street itself, the first thing that she saw was a man selling

photographs. Evidently he was doing a roaring trade, for there was a considerable crowd round him, and he was shouting something which she could not catch. Presently a gentleman, who had bought one of the photographs, stopped just in front of her to look at it, and as he was short and Augusta was tall, she could see over his shoulder, and the next second started back with an indignant exclamation. "No wonder!" for the photograph was one of herself as she had been taken in the low dress in the Registry. There was no mistake about it--there was the picture of the will tattooed right across her shoulders.

Nor did her troubles end there, for at that moment a man came bawling down the street carrying a number of the first edition of an evening paper--

"Description and picture of the lovely 'eroine of the Cockatoo," he yelled, "with the will tattooed upon 'er! Taken from the original photograph! Facsimile picture!"

"Oh, dear me," said Augusta to the maid, "that is really too bad. Let us go home."

But meanwhile the crowd at her back had gathered and increased to an extraordinary extent and was slowly inclosing her in a circle. The fact was, that the man who had followed her from Hanover-square had told the others who joined their ranks, who the lady was, and she was now identified.

"That's her," said one man.

"Who?" said another.

"Why, the Miss Smithers as escaped from the Kangaroo and has the will on her back, in course."

There was a howl of exultation from the mob, and in another second the wretched Augusta was pressed, together with the lady's maid, who began to scream with fright, right up against a lamp-post, while a crowd of eager faces, mostly unwashed, were pushed almost into her own. Indeed, so fierce was the crowd in its attempt to get a glimpse of the latest curiosity, that she began to think that she would be thrown down and trampled under foot, when timely relief arrived in the shape of two policemen and a gentleman volunteer, who managed to rescue her and get them into a hansom cab, which started for Hanover-square, pursued by a shouting crowd of nondescript individuals.

Now, Augusta was a woman of good-nerve and resolution; but this sort of thing was too trying, and, accordingly, accompanied by Lady Holmhurst, she went off, that very day, to some rooms in a little riverside hotel on the Thames.

When Eustace, walking down the Strand that afternoon, found every photograph-shop full of accurate pictures of the shoulders of his

beloved, he was simply furious; and, rushing to the photographer who had taken the picture in the Registry, threatened him with proceedings of every sort and kind. The man admitted outright that he had put the photographs upon the market, saying that he had never stipulated not to do so, and that he could not afford to throw away five or six hundred pounds when a chance of making it came in his way.

Thereon Eustace departed, still vowing vengeance, to consult the legal twins. As a result of this, within a week, Mr. James Short made a motion for an injunction against the photographer, restraining the sale of the photographs in question, on the ground that such sale, being of copies of a document vital to a cause now pending in the Court, those copies having been obtained through the instrumentality of an officer of the court, Dr. Probate, the sale thereof amounted to a contempt, inasmuch as, if for no other reason, the photographer who obtained them became technically, and for that purpose only, an officer of the Court, and had, therefore, no right to part with them, or any of them, without the leave of the Court. It will be remembered that this motion gave rise to some very delicate questions connected with the powers of the Court in such a matter, and also incidentally with the law of photographic copyright. It is also memorable for the unanimous and luminous judgment finally delivered by the Lords Justices of Appeal, whereby the sale of the photographs was stopped, and the photographer was held to have been guilty of a technical contempt. This judgment contained perhaps the most searching and learned definition of constructive contempt that has yet been formulated: but for the text of this, I must refer the student to the law reports, because,

as it took two hours to deliver, I fear that it would, notwithstanding its many beauties, be thought too long for the purpose of this history. Unfortunately, however, it did not greatly benefit Augusta, the victim of the unlawful dissemination of photographs of her shoulders, inasmuch as the judgment was not delivered till a week after the great case of *Meeson v. Addison and Another* had been settled.

About a week after Augusta's adventure in Regent-street, a motion was made in the Court of Probate on behalf of the defendants, Messrs. Addison and Roscoe, who were the executors and principal beneficiaries under the former will of November, 1885, demanding that the Court should order the plaintiff to file a further and better affidavit of scripts, with the original will got up by him attached, the object, of course, being to compel an inspection of the document. This motion, which first brought the whole case under the notice of the public, was strenuously resisted by Mr. James Short, and resulted in the matter being referred to the learned Registrar for his report. On the next motion day this report was presented, and, on its appearing from it that the photography had taken place in his presence and accurately represented the tattoo marks on the lady's shoulders, the Court declined to harass the "will" by ordering her to submit to any further inspection before the trial. It was on this occasion that it transpired that the will was engaged to be married to the plaintiff, a fact at which the Court metaphorically opened its eyes. After this the defendants obtained leave to amend their answer to the plaintiffs statement of claim. At first they had only pleaded that the testator had not duly executed the alleged will in accordance with the

provisions of 1 Vic., cap. 26, sec. 2, and that he did not know and approve the contents thereof. But now they added a plea to the effect that the said alleged will was obtained by the undue influence of Augusta Smithers, or, as one of the learned counsel for the defendants put it much more clearly at the trial, "that the will had herself procured the will, by an undue projection of her own will upon the unwilling mind of the testator."

And so the time went on. As often as he could, Eustace got away from London, and went down to the little riverside hotel, and was as happy as a man can be who has a tremendous law suit hanging over him. The law, no doubt, is an admirable institution, out of which a large number of people make a living, and a proportion of benefit accrues to the community at large. But woe unto those who form the subject-matter of its operations. For instance, the Court of Chancery is an excellent institution in theory, and looks after the affairs of minors upon the purest principles. But how many of its wards after, and as a result of one of its well-intentioned interferences, have to struggle for the rest of their lives under a load of debt raised to pay the crushing costs! To employ the Court of Chancery to look after wards is something as though one set a tame elephant to pick up pins. No doubt he could pick them up, but it would cost something to feed him. It is a perfectly arguable proposition that the Court of Chancery produces as much wretchedness and poverty as it prevents, and it certainly is a bold step, except under the most exceptionable circumstances, to place anybody in its custody who has money that can be dissipated in law expenses. But of course these are

revolutionary remarks, which one cannot expect everybody to agree with, least of all the conveyancing counsel of the Court.

However this may be, certainly his impending lawsuit proved a fly in Eustace's honey. Never a day passed but some fresh worry arose. James and John, the legal twins, fought like heroes, and held their own although their experience was so small--as men of talent almost invariably do when they are put to it. But it was difficult for Eustace to keep them supplied even with sufficient money for out-of-pocket expenses; and, of course, as was natural in a case in which such enormous sums were at stake, and in which the defendants were already men of vast wealth, they found the flower of the entire talent and weight of the Bar arrayed against them. Naturally Eustace felt, and so did Mr. James Short--who, notwithstanding his pomposity and the technicality of his talk, was both a clever and sensible man--that more counsel, men of weight and experience, ought to be briefed; but there were absolutely no funds for this purpose, nor was anybody likely to advance any upon the security of a will tattooed upon a young lady's back. This was awkward, because success in law proceedings so very often leans towards the weightiest purse, and Judges however impartial, being but men after all, are more apt to listen to an argument which is urged upon their attention by an Attorney-General than on one advanced by an unknown junior.

However, there the fact was, and they had to make the best of it; and a point in their favour was that the case, although of a most remarkable nature, was comparatively simple, and did not involve any great mass of

documentary evidence.