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IN CHANCERY,

9.

BETWEEN

RICHARD GREEN AND OTHERS,

PLAINTIFFS,

AND

THOMAS JACKSON, THOMAS HUGALL AND OTHERS,

DEFENDANTS.

~~~~~

A STATEMENT OF FACTS,

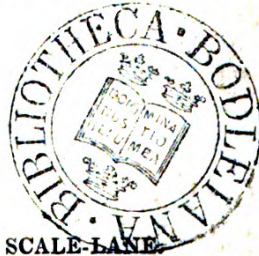
WITH EXTRACTS FROM DOCUMENTS RELATING TO AND EMBRACING  
SOME OF THE PROCEEDINGS IN THIS CHANCERY SUIT;

AND INCLUDING A RECENT

CORRESPONDENCE BETWEEN THE SOLICITORS.

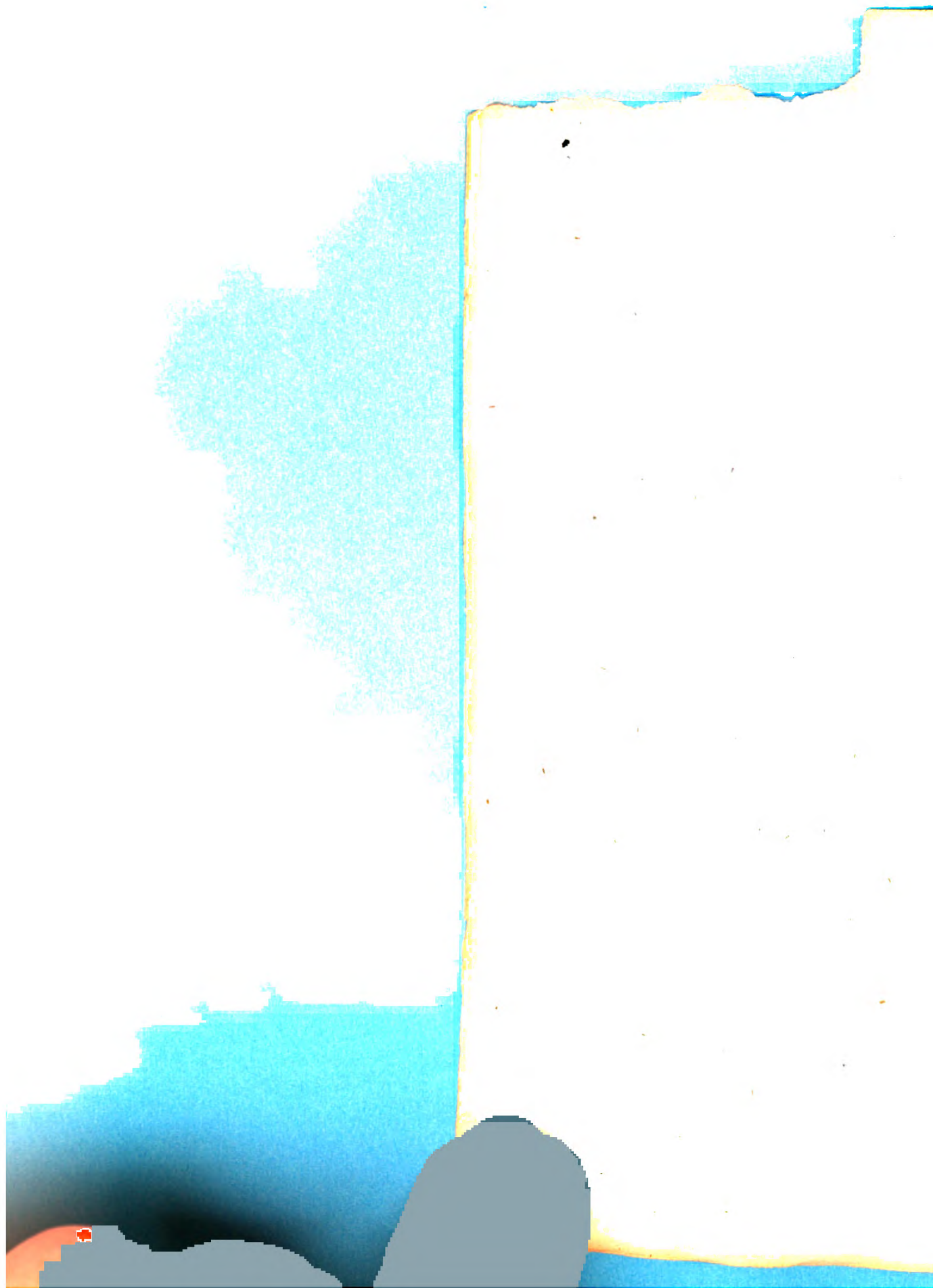
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HULL:



PRINTED BY JOHN HUTCHINSON, 30 SCALE-LANE.

—
1836.



STATEMENT.

THE Testator, Joseph Chapman, died at Hull, on the 14th October, 1817, and the gentlemen to whom he intrusted the management of his affairs then proceeded to execute the Trusts of his Will, and continued to do so until the 22nd November, 1819, when the bill, preliminary to this suit, was filed, and their proceedings consequently interrupted. The Plaintiffs' solicitor in this Chancery Suit was and is Mr. William Dryden, residing in Bowlalley-Lane, in Hull. In 1819, Mr. Dryden was also the sub-distributor of stamps, at Hull, and in that character he occasionally assisted the profession and the public in preparing the usual returns under Wills and Intestacies which the law then and still requires, and for which trouble he regularly charged. In an explanatory letter addressed by Mr. William Dryden to the Secretary of the Hull Law Society, of which he was then a member, dated 2nd May, 1820, he (Mr. D.) says,

“ In the early part of May, or the latter end of April, 1819, Mr. Hugall requested my assistance in drawing out from his accounts such an account as would be required to render to the Stamp Office, under the Will of the late Mr. Joseph Chapman.”

Early in the year, 1820, Mr. Hugall complained to the Members of the Hull Law Society (of which both him and Mr. Dryden were members) about this Chancery Suit. At a meeting of such Society, held on the 11th February, 1820, Mr. Dryden's resignation was tendered, and the Society then resolved,

“ That the acceptance of Mr. Dryden's resignation as a member of this Society be postponed;”
and a similar resolution was come to by the Society on the 7th April following.

On the 14th June, 1820, at a meeting then held, the Society resolved,

“ That in consideration of the regret and assurances contained in Mr. Dryden's letter, all proceedings on

“ the part of the Society, relative to
 “ be discontinued.”

From this period, until the 23rd J
 the various matters connected with
 Cause was heard, and the Plaintiffs' bi
 (except the costs of some minor poi
 the then Master of the Rolls, observin

“ That the question was so cl

“ strained ingenuity, the bill must

The Plaintiffs appealed against this
 came on for argument before Lord
 on the 27th April, 1831, when his Lord
 until a case, somewhat similar in its c
 heard on appeal before the House o
 waited three or four years for the las
 heard, but it was then unfortunately p
 Brougham having been succeeded by
 case of necessity was again argued, an
 agreement before Lord Lyndhurst on t
 affirmed the judgment of the Master o
 was disposed not to give the costs, bu
 he altered his mind, and directed the
 Testator's estate. As this judgment
 thing remained to be done by the Soli
 parties, but to have the costs taxed an
 judgment was given on the 1st April,
 I pretend not to divine, they were no
 Master's certificate obtained until the

In May, in the present year, Mr
 me of what he conceived to be impropr
 of my London agents. Being then in
 the subject to my agents, and satisfied
 complaint was groundless. Nothing
 the 14th June, 1836, when I received
 den's clerk, (without date) of which

“ Dear Sir,

Green v. Jackson

“ In a letter received by me f
 “ day, he complains in somewh
 “ vexatious trouble and objection
 “ to his in the taxation of these

“ ask for or *expect* any favour, [“ *cannot expect* any fa-
 “ vour,” what does he mean?] all he looks for is a just and
 “ proper allowance, of which he hesitates to believe it is
 “ your wish he should be deprived, or that he or his agents
 “ should be unnecessarily harassed in obtaining it.

“ Yours obediently,

James Robinson, Esq.

“ JOHN ROLLIT.”

I thought it right at once to give the matter my attention,
 and on the very same day I addressed a letter to my London
 agents, of which the following is a copy:

“ Dear Sirs.

“ Hull, 14th June, 1836.

Jackson & Others ats. Green

“ The day before I left London, Mr. Dryden, the
 “ Plaintiffs’ solicitor, (who is in London) again complained
 “ to me of the way in which the taxation of these costs
 “ were conducted, and this morning I received a note, of
 “ which the following is a copy:

[Here follows a copy of the note received from
 Mr. Dryden’s clerk, and before set out.]

“ Were it worth while I might inquire why *Mr. Dryden’s*
 “ *clerk* should sermonize at all on the subject. However
 “ I think it right at once to repeat what has always been
 “ my instructions and wishes about these costs, not to
 “ interfere at all about them, and to leave the matter en-
 “ tirely to the London agents; neither my clients nor
 “ myself have any object or feeling to effect or gratify.
 “ It is immaterial to them or me, at what sum the costs
 “ may be assessed, so long as my clients (whom it must
 “ not be forgotten, *are trustees,*) are authorised and will
 “ be justified in paying the sum they may be ultimately
 “ fixed at, and being to be paid by a CLASS of persons,
 “ and not by an *individual*, it is the less necessary to be
 “ very scrupulous about them. I have never seen Mr.
 “ Dryden’s bill of costs, and feel no curiosity about it,
 “ hence I can’t be supposed to be active in an attack on
 “ any particular part of it; what he may be fairly en-
 “ tled to, I should wish to be conceded frankly and as
 “ promptly as possible, but such parts as suggest *fair*
 “ *queries*, and *reasonably* claim discussion, your own sense

“ of duty will prompt you, and M
 “ at their being convassed with
 “ *coming temper*. Excuse me
 “ avoid misconception) that n
 “ myself wish the costs to be
 “ hostile manner; we should not
 “ Mr. D. to be allowed his *entire*
 “ legally charge it to others.
 “ get on with the taxation, for we
 “ delay, and it will soon *be said*,
 “ that the delay is occasioned by
 “ side. I send a copy of this lett
 “ he may know how matters stand

I am, dear S
Messrs. Hicks & Marris, London.

Mr. Dryden being then in London,
 letter to him, with the following note:

“ Dear Sir, “ H

“ I send you a copy of a let
 “ written to Messrs. Hicks and M
 “ Chapman’s suit, it contains alm
 “ the business, and I don’t know
 “ Pray don’t let you and me mix
 “ on this subject; banish suc
 “ add to your own discomfort and
 “ *of it*. I don’t know how it is t
 “ all people, be subject to such i
 “ only mean and in reality are o
 “ their duty fairly to their clients

“ I remain, dear
William Dryden, Esq.

To the letter addressed to my I
 promptly received the following answer:

“ Dear Sir, “ Gray’s I
Jackson & Others ats.

“ We have been so accustomed
 “ *things* in the world that we
 “ letter of the 14th has excited
 “ as Mr. Dryden and his Clerk a

“ not one word to offer, by way of censure. They have
 “ acted, *we presume* on information received from town
 “ and believing it to be true, their conduct is natural
 “ enough. Whatever we may think of those who have
 “ originated such untruths we have no wish to waste our
 “ time or yours by entering into the question. We will
 “ simply state the facts and leave you to draw your own
 “ conclusions.”

“ The Plaintiffs’ costs (which by the way are made
 “ out as between Solicitor and Client, although directed
 “ to be taxed as between party and party) were put into
 “ the hands of our Clerk in Court, who went through
 “ them unattended by any one, and taxed off (as between
 “ party and party) such items as he considered there
 “ could be no question upon, and queried those which
 “ appeared to him to require explanation, &c. After this
 “ the Clerks in Court proceeded to deal with the queries
 “ &c. in the presence of the respective Agents. It was
 “ very soon discovered that the Master must decide on
 “ certain points of principle before the queries could be
 “ dealt with, and accordingly a warrant was taken out and
 “ attended. So far from our pressing hard upon Mr. D’s.
 “ bill or raising improper objections, his Agent, Mr.
 “ Walmsley, at the close of the discussion publicly stated
 “ that the Executors had only done their duty in draw-
 “ ing the Master’s attention to the points in question and
 “ likewise observed that *we* had discussed the matter very
 “ fairly. Indeed we do not hesitate to say that our dis-
 “ position *and acts* have been liberal, and we may add
 “ will continue to be so, notwithstanding the imputations
 “ which have been made. So far from wishing to deprive
 “ Mr. Dryden of any fair allowance, we have actually
 “ suggested how certain items, struck out by the Clerk,
 “ might be introduced in other shapes into the bill and
 “ allowed.

“ Acting on your instructions, we felt ourselves per-
 “ fectly justified in aiding Mr. D. in getting every thing
 “ allowed to him which could properly be done. But if
 “ Mr. D. expects that a Clerk in Court can extend
 “ the principle of taxation between Solicitor and Client to
 “ a case directed to be taxed between party and party, he

“ will find himself egregiously
 “ ation between party and par
 “ beyond that neither you or
 “ disposed.

“ We remain, dear S

James Robinson, Esq. Hull.

A copy of this letter was sent to
 rally expected the taxation would p
 terruption, but, strange to tell, Mr
 with another fanciful complaint, and
 could, I addressed another letter
 which the following is a copy :—

“ Dear Sirs,

Jackson & Others

“ I am glad to learn from
 “ taxations are drawing to a cl
 “ sary certificates for the Plai
 “ the costs of those parties fo
 “ soon obtained, and we sha
 “ receive some money. Mr.
 “ you are requiring his Agen
 “ thority to entitle them to
 “ some of the residuary Legate
 “ papers I find, by a letter from
 “ ago as 24th July, 1828, that
 “ Mr. Lynch to appear for some
 “ Now if the Legatees they app
 “ Sutton, Mary Chapman, Ric
 “ Chapman, for whom we were
 “ and did so, you may and I sh
 “ with the production of any
 “ had to appear or of any affida
 “ may calculate on obtaining t
 “ offices close for the vacation.

“ I remain, c

Messrs. Hicks & Marris, London.

This surely ought to have satisfie
 on the 10th August, 1836, I receive

Mr. Dryden, which I give verbatim and accompanied with similar marks with which Mr. D. was pleased to embellish the original,

“ Dear Sir,

“ Hull, 10th August, 1836.

Green v. Jackson.

“ I am astonished at a letter from my Agents received
 “ this afternoon wherein they say ‘ Hicks & Marris have
 “ this morning received and read to us a letter from Mr.
 “ Robinson, authorising them to admit our appearance
 “ for any of the Legatees, EXCEPT Sutton and *Richard*
 “ *Chapman*, that we may have appeared for.’!!! I merely
 “ trouble you with this note to ask whether you have so
 “ written or not? I need not add, as you are well aware
 “ of the fact, that the EXCEPTED INDIVIDUALS are
 “ the ONLY parties I did by my Agents appear for.”

“ Yours truly,

Mr. Robinson.

“ WILLIAM DRYDEN.”

I returned a verbal answer to this epistle but on the following morning I thought it as well to write Mr. Dryden as follows.

“ Dear Sir,

“ Hull, 11th August, 1836.

Jackson & Others ats. Green.

“ You seem to have imbibed some feeling partaking
 “ of a personal nature relative to the taxations herein, as
 “ I think, no way warranted by the facts, and you have
 “ by some means (contrary to my original intention) got
 “ me partly involved as to the mode and manner of the
 “ Agents’ proceedings. As I leave home to-morrow
 “ morning for a short period, and *may* be at a distance
 “ when any other *unexpected* question may arise, I trou-
 “ ble you with a short statement of facts: as to your first
 “ complaint about Messrs. Hicks & Marris’ proceedings,
 “ I hope it was, at least I consider it to have been dis-
 “ posed of, by my letter to them of the 14th June last
 “ and of their reply, copies of both which letters are
 “ with you.

“ As to your second complaint, and present *apparent*
 “ point of difference, all I know about it, is that from a
 “ letter addressed to me from Mess. Hicks & Dean, so long
 “ ago as the 24th July, 1828, they say ‘ the Plaintiffs in-

"structed Mr. Lynch, at the hearing
 "residuary Legatees.' You received
 "Hicks & Marris requested you to
 "from such of the residuary Legatees
 "for. At your request I looked
 "found the letter of July, 1828,
 "Agents with instructions how to
 "caring for whom you had appeared
 "authority to do so. Your note
 "explains the business, and throws a
 "proceedings of the Agents! The
 "received from your statement and
 "captiously required the production
 "appear for *some* party, but the
 "why? because your Agents are
 "for a party Hicks and Marris and
 "authority from. A very proper course
 "under the circumstances, and I might
 "times, complain of *your Agents* con-
 "you seem to do of mine. The
 "be that *both* Agents have appeared
 "*parties*, and the question is which
 "authority to do so; a point I am
 "rest upon the validity and force
 "respectively hold, and I do hope
 "adjusted and our rights adjusted with
 "personal feeling on either side. For
 "send a copy of this letter to my
 "time I return shall hope that the
 "may be ended. You state that
 "*whom* you appeared, it is no such
 "letter does not give me the information
 "learnt it from you except by your
 "I remain, your obedient servant

Mr. Dryden,

To this letter I received the following
 within an hour after my letter was dis-

"Dear Sir,

"Hull,

Green v. Jackson.

"Your letter of this morning con-
 "and has been your intention from

“ me of the paltry costs incurred by my Agents appearing
 “ for Sutton and Richard Chapman, as two of the
 “ residuary Legatees. I hope I shall never be the poorer
 “ for the want of them and to convince you that I am far
 “ from wishing to further fatigue you by a correspondence
 “ on such a subject, I shall write to my Agents, in-
 “ structing them not to take another step in the matter
 “ further than to obtain the certificate and press for the
 “ payment of the costs already allowed, and, in conclu-
 “ sion, I have only to add a wish that the advantage you
 “ will thus obtain may add more to the health and com-
 “ fort of yourself and family than it will affect

“ Your injured friend,

“ WILLIAM DRYDEN.”

Mr. Robinson.

Here matters rested until Saturday the 17th instant, when I received the following communication from Mr. Dryden's office, in Bowlalley-Lane.

“ Dear Sir,

“ Hull, 17th September, 1836.

Green v. Jackson.

“ We have just received from our agents, Master
 “ Farrer's certificate of the taxation of the Plaintiffs'
 “ costs, herein amounting to £ and shall be
 “ glad if you will take an early opportunity of handing
 “ us the amount. “ Yours truly,

Mr. Robinson.

“ DRYDEN & SON.”

This note reached me late on Saturday evening, and on the following Monday morning I replied to it as follows:

“ Dear Sirs,

“ Hull, 19th September, 1836.

Jackson & Others ats. Green.

“ I will see the Trustees about these costs. I collect
 “ *you have* the Master's certificate, which I presume will
 “ be given up when the costs are paid. It will be a
 “ convenience to me to have it to shew the Executors
 “ when the check is signed by them.

“ I remain, dear Sirs, yours truly,

Messrs. Dryden & Son.

“ JAMES ROBINSON.”

Within half an hour I received the following reply:

“ Dear Sir,

Hull, 1

Green v. Jacks

“ We ought to have said that
 “ copy of the Master’s certificate
 “ costs. The Master’s certificate
 “ is usual in the report office, and
 “ some you are as fully acquainted
 “ no necessity for parting with
 “ convenience of parties who have
 “ legitimate costs, as we hope so
 “ or ever will be again. We have
 “ to you for payment unsuccessful
 “ now wade through further pro
 “ rights of “ Yo

Mr. Robinson.

On the following morning I addressed
 following letter in reply :

“ Sir,

“ Hull, 2

Jackson & Others ats

“ I address this letter *to you*,
 “ I would fain persuade myself to
 “ privy to your last communication
 “ really regret, were he capable of
 “ festing the extraordinary and un
 “ style it displays.

“ It is really lamentable to witness
 “ both as your letter contains.

“ You have the office copy of
 “ and need I remind you that it
 “ proof *here*, and *at present*, and
 “ *hereafter*, for what they may pretend
 “ that you pretend to attribute
 “ *supposed* communication from
 “ the regular official document in
 “ it sent to you but to be produced
 “ getting the money? But, pray
 “ Trustees are willing to pay the
 “ receiving the office copy of the
 “ a proper receipt, and, unless you
 “ you will have to ‘ *wade through*

“ You say you see ‘ no necessity for parting with the
 “ office copy, for the *convenience* of parties who have so
 “ robbed us, &c.’ In my note of this morning I said it
 “ would be a ‘ *convenience*’ to me to have it.

“ Excuse me troubling you to inform me *distinctly*,
 “ and very *speedily*, whether I am to understand this
 “ denunciation to be meant to apply at all to

“ Your obedient servant,

Mr. Dryden.

“ JAMES ROBINSON,”

I waited two days for a reply to this last letter, and then
 addressed to Mr. Dryden the following letter;

“ Sir,

“ Hull, 22nd September, 1836.

Jackson & Others ats. Green.

“ I have waited *two entire days* to afford you an oppor-
 “ tunity of replying to my letter of the 20th instant, and
 “ explaining, should you think it meet to do so. Your ex-
 “ traordinary letter of the 19th instant, you decline to do
 “ so, and I am content! My course is obvious and straight
 “ forward, and will not be shrunk from by me. You
 “ leave me no alternative, but to adopt the offensive in-
 “ ference, obviously conveyed by your letter of the 19th
 “ instant, and there is such an absence of christian and
 “ gentlemanly feeling in your recent conduct towards me,
 “ that you relieve me from the necessity of seeking that
 “ satisfaction, which gentlemen, *so called*, think it right to
 “ seek in similar cases; did not a sense of duty to my own
 “ family, and a regard for yours, restrain me from such a
 “ mistaken course; besides, to adopt it, would not, as I
 “ think, tend to justify your conduct or vindicate my
 “ character.

“ I am yet to learn what privilege you possess to
 “ arraign motives and impute conduct in the way you do!
 “ and I am also yet to learn what there is in your cha-
 “ racter or station, or what may be your estimate of the
 “ relative position of each to warrant you at pleasure to
 “ deal out your invectives *against* me, without being ame-
 “ nable to and being placed as you shall be at the bar of
 “ public opinion,—common sense,—and correct feeling; to
 “ this end I purpose, (ill as I can spare time, and deficient
 “ as I am in bodily strength) and I hope providence will
 “ sustain me until I prepare a ‘ State of Facts’ in connexion
 “ with this cause, which, *with the entire correspondence*,

" shall be submitted to the publ
 " induce the latter to think tha
 " suitable person to be the guid
 " demonstrating as I think I sha
 " injudicious you are in matters
 " Blame not me for any no
 " acquire, and I am quite prej
 " may be allotted to

" Your obedien

Mr. Dryden.

I have thus, in furtherance of the i
 last letter, endeavoured to inform th
 of the proceedings in this Chancery S
 inquire why I do this? others may ex
 to do with it! I answer that I belong
 the exercise of a profession peculiarly d
 racter. Mr. Dryden has assailed my cha
 dalous accusation. He has thought i
 his own self-importance, and by his
 affirmed and reiterated the offensive i
 more—he has descended to wilful mis
 stated to more than one person, "*tha*
Mr. Robinson would not pay them," t
 said this he held and had long pre
 sion of my letter of the 20th instant,
 desire to pay them on having a prope

What protection is there for indi
 fort if such conduct is to pass unno
 think, prompt and immediate exp
 deavoured to do this! I abstain from
 on the subject, for I seek not to enfor
 about it! I always meant and feel th
 out this affair in the way I have hithe
 and hope, through life, to be able to
 siderate temper and becoming demea
 before them, and to the judgment of a
 most willingly yield.

Scale-Lane,
Hull, 24th September, 1836.

J
SOLI

John Hutchinson, Printer, 30, S