

March 15, 1856. For the widow, plaintiff, on the issue, Sir F. Thesiger, afterwards Lord Chancellor Chelmsford, was specially retained to lead, and on the other side appeared the famous Chief Justice Cockburn, then Attorney-General.

On the first day's hearing the ladies who had written the letters after the son's death were called, and in cross-examination admitted their previous statements as to the old man's incapacity to recognise his loss, he having actually stated to one of them that the person dead was Mrs. Swinfen. Other damaging points also were made against the will, and Thesiger was so impressed that he sent for the widow to his lodgings, and strongly urged her to leave the matter in his hands to settle as best he could. Thesiger led the widow to understand that the defendant offered to settle on her an annuity of 1,000*l.* if she would give up the estate. This, with that courage and pertinacity she showed from beginning to end of the litigation, she absolutely refused. She was ultimately prevailed upon to take the night to think the matter over, but next morning saw no change in her determination, and she telegraphed to Thesiger, 'offer refused.' We may judge then her astonishment when, on arriving at court on Monday morning she was met by her counsel leaving the court room, and coolly informed that he had done the best he could for her, and had settled the matter on the terms originally proposed.'

But if the heir had a verdict the widow had possession, and to possession she clung. From the beginning she had asserted that she would stand or fall by the will, and at this crisis she rose to the occasion like Maria Theresa, and abandoned by all she quietly returned to the hall and awaited events. Speedily possession was demanded and refused. The heir's next step was to take a rule *nisi* for attachment against her. This was quashed on the ground of insufficient proof of disobedience (*Swinfen v. Swinfen*, 25 *Law J. Rep. C. P.* 303); but the Court, consisting of Cresswell, Williams and Willes, all seemed to agree that the compromise was binding.