

in causing all his goods and chattels to be brought to sale for the paltry sum of £40, and transferring extensive and valuable Real Estate to various members of his family during the last three years, without consideration, as deeds of gift; or for inadequate consideration, or for mere personal bonds, without any payment down, on long terms of payment, and without being secured by mortgage, or the obligations given being made available to the payment of his debts; all which would be brought to bear on the question before the Court.

This was stated in reply to an abstract question raised by Mr. Sullivan as to the admission of such testimony; which, after discussion, was ruled by the Court to be with Mr. Sherwood.

The Plaintiff's Counsel here rested the case.

Mr. Sherwood then addressed the Court and Jury in an eloquent, fervid and dignified strain. He treated the croakings of the Plaintiffs' Counsel about oppression and persecution as the last refuge of defeated dishonesty, and very impressively retorted the charge of persecution. He put it to the Jury whether it was not persecution to keep the confiding creditor out of the money he had in generosity loaned to save the debtor from ruin in years gone by. Persecution—exclaimed the learned Gentleman—is it not persecution to withhold from the honorable and generous creditor the fruits of his early industry by driving him from Court to Court to seek the restoration of money loaned in good faith? Was it not persecution to the creditor and his family, and perhaps his creditors too, to have withheld from him his honest dues by every species of fraud, and by every petty dishonorable legal quibble to be thrown over from Court to Court, and in the meantime, the property of the debtor transferred under fictitious sales or otherwise, either wholly to defraud the creditor, or multiply his cost, difficulty and time in rendering it available to his just claims? The learned Gentleman appealed to the Jury as guardians of the interests alike of debtor and creditor—as guardians of the honor and fidelity of trade and commerce, as the refuge of the Tradesman, the Farmer the Merchant and every member of society who has ought to vend, and who, relying on the integrity and wealth of the purchaser and the laws of the land, supported by Jurors to vindicate his rights, repose faith in these *particulars* and the honor of man, and grants the favor of credit for his goods or the loan of money as an investment for the support of his family. He dwelt at some length on the palpable fraud evinced by every witness on the part of the Plaintiffs—the most gross and unvarnished frauds—by a collusion of relatives, who unscrupulously (it cannot be said unblushingly) stood up in a witness box to testify before the world of the part each had respectively taken in chamo-

*protection*