

Accession number: 1992-24/39e/p

Description: Large sheet of paper watermarked with crown over hunting horn. Originally folded in half, to form four pages. Written on both sides. Letter from J. G. Dowdeswell to Thomas Rackett to 18 March 1825.

Transcript:

Southampton Buildings
March 18th 1825

D. Sir,

I perfectly recollect that when you communicated to me M. Wray's opinion respecting the letters addressed to Mr Garrick, I observed that as a question had been raised as to the persons entitled to them, that question sh'd be decided as soon as possible – and I also recollect, to the mode recommended by Mr Wray – by the presenting a petition, for the purpose of having the point decided. I had, however, scarcely finished the perusal of the opinion, before I stated that, on consideration, such a mode of proceeding appeared to be unnecessary, in as much as I thought that the Master must be already authorized to decide the point - I expressed my [wish] that his opinion sh'd be taken on the subject, & intimated that it would be competent for any party who might be dissatisfied with such opinion, by taking an exception to his report, to bring the question before the Court - & in this view of the case I thought you coincided – I was soon afterwards informed that the question had been discussed before the Master, & I was therefore surprized to hear that a further petition had been presented to the Master of the Rolls on the subject.

You are perfectly aware that I have never taken an active part in these concerns – my name is necessarily used as a trustee on behalf of those interested under Mr Garrick's will, in the same way as yours has ~~frequently~~ often been used, & would now be used, if you were not the representative of M^{rs} Garrick – you may therefore conclude I gave no instructions as to the manner in which your petition was to be met, - but I have no hesitation in admitting, that I was aware it was Mr Carr's intention to ask for the costs & that I did not express any disapprobation of such an intention – in fact, I did not have any, nor did I consider it material, whether such instruction was given to the counsel who appeared for [same]; or to counsel who might appear for M^{rs} Patton – Mr Carr considered the petition as unnecessary, & that Mr Garrick's estate ought not to bear the expense of it - & being of that opinion, I think it was his duty to protect that estate from the costs of it – in so doing I do not consider him as acting for me, but for those beneficially entitled under Mr Garrick's will; & and if I had instructed him not to ask for those costs, & if he had refrained from so doing in consequence of such instructions, I think the parties beneficially interested in Mr Garrick's estate would have been fully justified in insisting that the costs sh'd be pas[se]d by me, or at all events that I sh'd not be allowed my own costs out of the testator's estate.

In consequence of your having conflicting duties to perform, as the representative, as of M^{rs} Garrick, as of M^r Garrick, my name may perhaps be more frequently used in [--] the proceedings than it has hitherto been – especially in cases when M^{rs} Patton or other parties beneficially interested under M^r Garrick's will, may not appear by their

Counsel – If this be the case I beg you will not consider me as acting in hostility to you – but merely as a trustee who is bound to protect the interests confided to his care – I am wholly unacquainted with them for whom I am a trustee & have no inclination to involve myself unnecessarily in any dispute – but circumstances appear to render it incumbent upon me to take a more active part than I have hitherto done – in questions which arise between the parties interested under M^r Garricks will, & those who are interested under M^{rs} Garrick I may perhaps not be any longer at liberty to decline all interference.

I am most faithfully &c

J.G. Dowdeswell