

THE
BARRISTER
and the
LETTER OF
MARQUE

TODD
M. JOHNSON

A NOVEL

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This is a work of historical reconstruction; the appearances of certain historical figures are therefore inevitable. All other characters, however, are products of the author's imagination, and any resemblance to actual persons, living or dead, is coincidental.

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In memory of Robert C. Dickerson II

*One of the finest men, finest lawyers, and best friends
I've ever had the privilege to have known.*

Letter of Marque and Reprisal

On behalf of his Majesty King George III, by the grace of God,
King of the United Kingdom of Great Britain and Ireland,
defender of the faith,

To our trusty and well-beloved captain,

Greetings:

*scoundrels and enemies of the Crown commit many
depredations on the seas against the interests of the Crown
and its possessions about the world, and the Crown, being
desirous to prevent these mischiefs—in particular the practice
of smugglers violating the Crown's license to the East India
Company for tea trade in China and lands thereabout—*

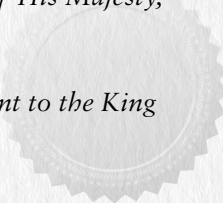
Does hereby grant you, this date,

*a commission as a private man-of-war, with full power and
authority to seize said vessels wherever you meet them upon the
seas or coasts, and empower you to take all such merchandise,
money, goods, and wares as shall be found on board,*

*From those who willingly yield
and those you are forced to compel to yield.*

*Given at our court,
the twenty-first day of November 1816,
the fifth year of our regency, on behalf of His Majesty,
King George III.*

Prince George Augustus Frederick, Regent to the King



PROLOGUE

SUMMER, 1797

CASTLE KITTLESON
WILTSHIRE COUNTY, ENGLAND

Early evening shadows blanketed the study lit only by desk candles and a sputtering fire in the hearth. Eighteen-year-old William Snopes watched his father from the entryway, hunched over stacks of papers on his desk.

Exhausted from the long ride, chilled in his damp riding clothes, William gathered himself in the entry before stepping fully into the room.

His father rose from his chair and approached.

“What on earth are you doing home?” he demanded.

William had grown during his last term at Oxford but had imagined more growth than was the truth. His father, a hint of graying at his temples and iron in his eyes, still looked to exceed him by several inches and at least fifty pounds. He seemed even taller with his granite posture.

The hours of preparation on his ride fled.

“What did you do to her?” William said, more inquiry than demand. It was all he could muster.

“What did I do to *whom*?”

“To Mary. What did you do to her?”

“What impudence! Interrogating me without even a hello? You *will not* address me in that tone.”

A year before, those cold eyes would have unmanned him, sending him sulking away. At least he was standing his ground tonight.

“What did you do to her, Father?” he said more boldly.

“Who in blazes told you I did *anything* to *anyone*?”

“Our tenants, the Blengens. What did you do to their girl? What did you do to Mary?”

Discomfort rippled beneath his father’s stolid eyes.

“That *farm girl*?” he bellowed. “Their comings and goings aren’t my concern.” He paused, raising a thick hand to his chin. “Though perhaps I heard that her family sent her north to live with relatives for a time. Is that your meaning?”

The hesitation, the false ease. He’d seen it in his father’s lies before.

The fear that had floated in him finally took anchor.

It was true.

“Sent north to relatives?” William grew stronger. “Father, Mary’s their only child. The Blengens would die before they’d willingly part from her.”

Silence. A hateful glare. No shame. No denial.

Sad fury carried William away.

“How *could* you, Father?” he said through a sheen of tears. “She’s sixteen years old! Mother’s only been gone these ten months. You’ve always demanded your way with everyone, but this . . .”

The blow came from William’s left.

He dropped hard to his hands and knees, shocked. Lightning split his vision. His left cheek and ear pulsed with terrible pain. Blood ran along his cheek in a rivulet down onto the rug.

Overhead, his father’s furious breaths filled his ears.

A full minute passed before he even tried to rise from his knees. Slowly he stood.

At full height again, something had changed. The last fear had vanished. Taking with it the final filaments of respect for his father.

He clenched his fists behind his back and stared unflinching into his parent's futile, indignant glare. "You shame me, Father. You shame Mother too."

"Your mother isn't alive. *I'm* your only parent now. Measure your next words carefully, William. Another of these insolent accusations, *one single word* . . ."

The threat passed over him, powerless.

"I'm leaving," William said.

"No, you're not. You're returning to Oxford and your studies. And in the spring, when you graduate, you'll take up your commission in the Guards as planned."

"No. I'm leaving."

"Leaving? Leaving?" Laughter. "To do what exactly?"

"I'll study to be a barrister."

"Why, for heaven's sake, would you do that?"

"To be someone different from you."

The stare faltered. "If you leave, you'll no longer be part of this family. I'll disinherit you."

William turned and left the room for the staircase.

An hour later, he returned from his bedroom, a small bag over his shoulder. His face still pulsed. A trace of blood lingered in his mouth. He left the manor house through a door that avoided the study, opening onto the garden. Through thin shadows cast by the half-moon, he walked toward the stable.

Unbearable shame and anger filled him. He had no capacity for anything more. Just a cloud of fury, all else emptiness.

Until, slowly, chords of Haydn's Symphony Number 100 rose in his mind. It was from the last concert he'd attended with his mother, the previous summer in London. They were seated near the front that night, holding hands, both knowing that she was dying. The powerful notes permeated him now, like the palliative of his lost mother's touch. The arpeggios and triads rose from

the hidden vault of mind and heart where lingered every musical note William had ever heard performed—a treasure that sounded at William’s call or seemingly for no reason at all. Stored beyond anyone’s reach, particularly his father’s, whose final touch would be the backhand that had emancipated his only child.

With Haydn dulling his disgrace and setting his pace, William crossed the estate’s dark, manicured lawns to the stables, avoiding the glow of light that still came from the windows of his father’s study.

Notes were ascending in the symphony’s third movement as he neared the outbuilding when William stopped abruptly. His heart plummeted. Haydn faded into despair.

Two stable hands sat on stumps near the doors, a lantern at their feet.

His father had anticipated his flight because he’d stupidly announced his plan to leave. If his father couldn’t hobble him, he could at least deny him a horse, so many miles from town and many more to London.

What would he do now without a horse?

“Master Snopes?”

A familiar voice with an Irish brogue startled him. William looked about.

The bearded stable master stood beneath a tree, thick hair rising with the gusts of wind, hands grasping the reins of William’s favorite bay, already saddled.

William went to him.

“Forgive me, lad,” the stable master said, “but I was about on the grounds and overheard the row. You were very clear with your da about your intentions, and knowin’ your father’s likely desire not to aid you, I thought I’d sneak Delilah here out of her stall in case you be needin’ her again tonight. She’s fed and rested.”

William’s heart picked up a beat of hope. “It’s dangerous for you to help me, Aeron.”

Aeron shrugged. “Danger and the Irish are old chums. Be-

sides, I'm responsible, aren't I? Sendin' you word about Mary and all?"

"I'm glad you did. I needed to know."

The stable master frowned. "Well, surely someone needed to know. But havin' fueled your fight with your da, I need to ask if you're sure about this, son. It's a hard world. Tough as it is doin' your father's biddin', it'd be a much easier path than the one you're considerin'. And I heard the curse by which your da told you that you'd never have his support again if you left."

"Mary Blengen's condition didn't do this. This had to happen anyway."

"Maybe so, Master William, but you can still be a barrister without leavin' in this fashion. There's no shame in turnin' back. I can slip Delilah back into the stable in the mornin' if you choose, with none the wiser."

"I'm going," William declared.

Aeron nodded, a sign of approval—maybe even pride. He held out to William a cloth bag. "If you're certain, then here's a roll with food and a few crowns. I'll be bettin' you snuck out with little more than a change of clothes, didn't you, sir?"

"I can't take your money, Aeron."

"You can and you will. If you're wise, you'll use it to finish school. And when you get to London, there's a priest who can help you make your way. Father Thomas at St. Stephen's Church. Not my cup of tea, mind you—an Anglican—but I come to know him in Belfast. For a soul not respectin' the pope, he's still solid as oak."

It was all suddenly overwhelming, dizzying even. The pulsing pain and the weight of what he was about to do.

"I'll help you when I can, Aeron. You know that."

The stable master nodded. "Sure you will. Now be gettin' along before you change your mind again. And since you're so determined now, I'll admit that I thought you should've done this last year, after your dear ma died."

"I won't forget this."

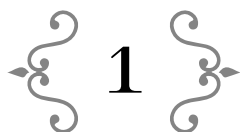
“Just make somethin’ good out of your life, boy,” Aeron replied, shaking his hand. “It’s a thing easier said than done in this world.”

Feeling hollow, William hoisted himself into the saddle. With a last farewell, he turned the bay to ride down a slope toward a grove and the back trail that would take him to the road.

Before he entered the trees, William slowed and looked back. The candles of his father’s study still burned faintly. He thought of his father there, bent over the estate books, putting William and any other distraction out of his mind. Still certain he ruled the world.

A trace of bloody phlegm had gathered in his mouth. William spat it to the ground and turned the bay away.

He rode off, the hollowness relenting a little as he heard again the call of the C trumpets of Haydn’s symphony rising gracefully toward its percussive climax and triumphant timpani roll.



A WINTER'S EVENING

FEBRUARY 1818

MIDDLESEX DISTRICT
LONDON

In evening fog, thirty-eight-year-old William Snopes, barrister, strode up the quiet street to Clerkenwell Green. His tall top hat, the closest thing to current fashion he permitted himself, fit snugly, preventing the cool air from touching his forehead. He walked quickly, as was his habit, sometimes silently counting his steps or humming a tune while crossing a bridge or square to keep his mind from running too far or fast ahead.

The Middlesex Courthouse loomed ahead through the mist. How long had it been? Two months since he'd last been here, at the previous court session. As he approached the edifice, he admired once more its Greek pillars, arched windows, and unmistakable gravitas. Trial would start here in a week. The thought of it—the

anticipation—sent a foot tapping out the rhythm of a Strauss waltz he'd heard at Green Park the previous fall.

It was good to visit the courthouse before the press of trial preparation made it difficult or impossible. It mattered not the case or even the chance of success. A visit steadied his mood, as usual a mix of defiant optimism and excitement. As Edmund, his junior, had reminded him, their defense was shaky, their client's demeanor a mixed blessing, and William's plan for the day's evidence risky. But they'd done all they could. The rest was up to the judge, divine Providence, and the fortunes of luck in the jury they drew.

He reached out a hand to the courthouse façade to touch the cold, moist flagstone.

"I'll be back soon, Middlesex," he said softly. "Treat me kindly."

He turned about and headed home.

The Strauss piece measured his long strides all the way back.



THE ROYAL RESIDENCE, CARLTON HOUSE LONDON

A slender girl with midnight-black hair walked the unlit halls of Carlton House, the royal residence of King George III and his son, Prince Regent George Augustus Frederick. Its cavernous splendor was subdued in the dark of early morning. Head down, the girl passed through the quiet grand dining hall to the kitchen, crept past stacked pans and pots awaiting the coming day, walked silently down a hallway to the rear of the residence, and finally stepped out a back door into the cold, mist-speckled moonlight of London.

She strode through the chill for the few yards necessary to reach and take the steps leading into St. James's Park. Through grounds crisp from winter frost and guarded by tall rigid pines, she hurried on to a dormant flower bed covered with snow. Halting there in the silence, her limbs began to quake.

"*Here, love,*" a high voice hissed behind her.

A man stood amid a stand of birch. His right eye drooped nearly onto his cheek. His mouth displayed a white-toothed grin that reflected the moonlight. He crooked a finger to summon her, and she reluctantly obeyed.

“The papers?” he demanded.

She untied her bodice to remove a sheaf of pages to hand to him.

“Mmm, still warm.” The man’s grin broadened as he stepped forward. “Come, my love. It’s such unnatural cold for the season. Give us a kiss to warm us.”

“Stay away, Lonny,” she said and pushed him back.

His brow furrowed. “Ah now, Isabella, you don’t wanna be bitin’ the hand that feeds you. Don’t be forgettin’ who got you your job and what you owe for it, missy. Has it slipped your mind that these are hard times? Hard times that don’t know favorites? Why, I could tell you stories about even the flouncy upper-crusters who dress like sheikhs but haven’t a spare shillin’ for hay for their horses—drained by the king’s taxes these past twenty years. You should be thankin’ me every day for the position I got you! Livin’ and workin’ amid the lucky ones that never miss a meal.”

“Sure,” Isabella said, shivering again. “So I could steal from them.”

Lonny clucked his tongue. “Is that what’s botherin’ you now? A bit of conscience? Shall we bring you back home to the streets, then? Is that what you’d prefer?”

Isabella’s stomach tightened, and she shook her head. “I did what you asked, Lonny. I brought you your papers. Are we done now?”

“We’re done, my love.” He laughed. “Go on home to your royals.”

She hurried off.

Lonny’s grin disappeared. He drew a length of rope from a pocket, sliding the papers into a cloth bag that he tied about his waist beneath his coat. Then he turned in the direction away from the retreating girl.

His own chilly meandering passed through places alive with London's nighttime plunderers, drunks, and lost ones. Some recognized and avoided Lonny, while others gave him a frosty glance of disinterest and dismissal. Two hours followed, through back streets ghostly and quiet, sleeping markets and jagged alleys, over the Thames bridges and back again, alternating between smells of fetid decay in neighborhoods dark and narrow to the clean woodsmoke rising from town homes glowing with gaslights.

Finally, he circled back to the riverbank once more to stop at the base of the towering London Bridge. It took a moment to spot the young boy who awaited him, standing in the shadows. Lonny neared, pleased at the fear in the boy's eyes. Untying the bag, Lonny passed it on.

"Get along now, Tad, my boy," Lonny growled. "Don't dawdle, but don't cut it short. Do all of your route to be sure no one's followin', then get to the office and leave the package or you'll pay for my disappointment."

Tad nodded nervously. He slid the bag beneath his coat and hurried away.

Crossing the bridge's span over black swirling waters, Tad rushed through broad streets in the sleepest hours of the night. Avoiding the rabbit warrens and narrower alleys where a young boy like himself might be robbed or worse, he passed Westminster Cathedral, then St. Paul's. Fog crept close. For a time, before dawn rose, Tad was forced to stay an arm's length from shop windows dismembered by the mist to keep to his route.

Early sun flowed red through cracks in the fog as Tad rounded a final corner to his destination: a fine Mayfair neighborhood with newer brick town homes and shops. The outer door to the finest building—two stories high, its stoop freshly washed—was unlocked. Tad pushed inside, padding up the stairs to a door, the sign on the door declaring in bold paint, *Mandy Bristol, Solicitor*. Removing the papers from the bag, Tad slid them with a push

beneath the door, then knelt down and peered with one eye to be sure they couldn't be retrieved.

He sat up, heaving a sigh. He'd done his job. No beating should await him when he returned to Lonny in Whitechapel. Only twenty shillings, a pat on the head, and a shove out the door to get to his usual day.

He spat on the wooden floor and rubbed his stomach in thanks for his good luck.

Then he stood and returned to the streets that were his home.



ON THE THAMES PORT OF LONDON

Captain Harold Tuttle unwrapped the scrolled paper at his sea desk and read in the fitful light of a candle. Only a single piece of paper and yet it was capable of extraordinary might. Just ink and parchment, but with the seal of the English Crown, a source of power for a captain of only thirty-three years to act with the authority of the greatest empire on earth.

Such was a Letter of Marque.

Harold set the Letter down. Out the stern cabin windows of the *Padget*, the harbor waters rippled as the ship edged toward the London dock to the rhythmic tugs of the oarsmen off the bow. The midnight moon split the Thames into streaky lines that ducked and weaved amid the crowd of scows, schooners, brigs, and warships docked or anchored on the river. The scents and sounds of London grew stronger the nearer the *Padget* drew to the quay: the waste of the city floating in the river, tempered by sweet sawdust of lumber cut for ship repairs; the bodies of sleeping sailors packed on the anchored boats they passed; the lapping of waves; the howl of a dog; the angry voice that shouted it down.

It was good to be home. In hours—at most a few days—he'd be back with his Rebekah. This time, on bended knee.

Harold locked the Letter of Marque away in his cabinet, pocketed the key in his trousers, and went up on deck.

Quint Ivars, the first mate and ship's physician, was at midship watching the landing. Harold patted his shoulder.

"Ready for dry land, Mr. Ivars?"

"Aye, Captain." The first mate smiled. "A year and three months is a long time to be away."

"It could have been much longer. You served under Admiral Jervis in the Royal Navy. Surely you were out longer than this under his command?"

"No, sir. All Atlantic duty. The longest time at sea was eight months, sir."

"Then you'll be as glad as me to get ashore."

"Aye, Captain. That's for sure."

Ivars's service under the esteemed Admiral Jervis—a demanding taskmaster who ran a tight fleet—was part of what had attracted Harold to the man. His first mate was no complainer.

Still, he heard in the man's words an undeniable echo of the misery of their first year on the voyage now ending. Down the coast of Africa, nearly foundering around the Cape, circling impatiently in the Indian Sea in fickle winds. The Letter of Marque was powerful but without purpose if they couldn't find what they were seeking: a fat French merchantman subject to the authority granted by the British Crown. Whole months had passed in search of such a prize, until every officer and crew member had resolved themselves to the likelihood of returning to London empty-handed.

Then arrived that blessed day when the French ship came sailing out of the fog in the wake of a typhoon off the coast of Ceylon, Atlantic bound, crammed like a Christmas goose with two hundred tons of Chinese tea and a mere ten twenty-pounders measured against the *Padget's* twenty. She'd been taken without the loss of a single man on either ship, and the *Padget* had at last turned for home, the poor luck of their voyage behind them.

Harold drew himself to ramrod posture. This was no time to

recall the hardship, nor to let down the military standards that had kept the *Padget* shipshape throughout the voyage. Besides, all was well now. The investors would be celebrating soon; the crew would receive their shares.

His own sweet love, Rebekah, would receive his proposal.

“When shall I tell the lads they can go ashore?” Quint asked.

“After we’re unloaded and the cargo safe—not a minute before,” Harold commanded. “Make sure that’s *very clear*. The share of any crew member who disobeys that order is subject to forfeiture. Prepare them to wait two days at least.” He hesitated. “To soften the blow, I’ll arrange for fresh food and some rum to be brought aboard.”

“The wait will be torture, sir. But the rum will be appreciated. I’ll pass the word.”

Torture? Maybe. But they wouldn’t leave the ship unmanned until its hold was empty and the tea stored safely ashore, in the warehouse of a consignment merchant. “*Never furl a single sail until the last enemy ship is out of sight or beneath the waves*,” his last commander had warned repeatedly. He’d been right.

Harold was scanning the wharf when someone brushed his side. He looked down.

A boy had appeared, hair so white he looked like a candle in the night.

“Going ashore, sir?” the boy asked. “Won’t you be wanting your pistol?”

Harold patted the boy’s head. “Yes, young Simon Ladner. I’d say that’s a good idea for anyone walking in London this time of night. Get it for me. Loaded. And be quick about it.”

The towing boats slid the *Padget* into berth with the ease and skill of a salty crew. A few others of the crew began wrestling the gangway into place, knowing the captain was departing. The oily dock shimmered in the moonlight; the wharf lay silent with the late hour. Harold rubbed moisture from his hands in the briny air.

He sensed a presence at his side again and looked down.

Simon had returned, pistol in hand.

“Loaded, Simon?” Harold asked sternly.

“Aye, Captain.”

“Good boy.” Harold grunted and took it. “When I return from shore, I’ll bring some peppermints. And if you keep to your duties, Simon, you’ll be the first ashore to greet your father.”

Simon smiled as Harold took the pistol.

A light creased the night, followed instantly by the explosion of a gunshot from ashore.

Harold reacted instinctively, dropping behind the gunwale and pulling the boy after as the zing of a ball cried out. As he dropped, the pistol, barely in Harold’s grasp, clattered uselessly to the deck in his surprise.

His pulse thundered in his ears as he looked frantically about. The small crew on deck, unprepared and unarmed, had hit the deck for safety as well. Harold glanced at Quint, who lay prone only a few feet away, eyes wide.

“Cease firing!” a voice cried from the darkness ashore. “*Cease firing!*”

Harold edged an eye over the gunwale.

Shadows about a warehouse just beyond the *Padget* had parted, and figures were emerging. Several wore constable uniforms with the band of an arresting party on their forearms. With them marched half a dozen soldiers in scarlet tunics, flintlocks in their hands.

Harold reached out and took up his pistol from the deck.

“Shall I call the crew to arms?” Quint hissed low, glancing about.

“In London Harbor?” Harold exclaimed. “This isn’t rotting Calcutta. Can’t you see? These are constables and soldiers of a king’s regiment.”

The squad of men onshore had reached the end of the gang-plank and were coming aboard.

“Oh, Captain!” Quint’s voice broke into Harold’s raging thoughts. “Simon!”

Harold looked to his side.

The boy was crumpled in a ball, blood leaking through his tunic, forming a black circle at his chest.

Harold reached to raise him, but Quint had already crossed to lift the boy up, cradling him in his arms.

A sheriff appeared at the top of the gangway, leading the rest of the party.

Setting the pistol back on the deck, Harold stood to confront him. "Why did you fire?" he cried out. "You've shot him!"

The sheriff took in the sight.

"Sergeant Rhodes," he said over his shoulder to one of the soldiers. "See what you can do for the boy."

"No! Our Mr. Ivars here serves as ship's doctor. He'll take him belowdeck."

The sheriff hesitated, then nodded his assent. The first mate hurried away with the boy.

"Are you Harold Tuttle?" the sheriff demanded.

"*Captain* Harold Tuttle. Are you insane? Firing at my crew? Boarding without permission? What is the meaning of this?"

"I gave no order to fire. But I saw myself that you were holding a weapon. And the meaning of this, Captain Tuttle, is that we were ordered to arrest you and your crew for piracy."

The night had descended into madness. "Piracy? That's absurd."

"Did you take the brig the *Charlemagne*, September last? A French tea merchant in the Indian Sea?"

"Yes. Under authority of the Crown. I hold a Letter of Marque."

"Every smuggler and pirate pleads the Crown's assent."

"It's true. We were given authority to take French smugglers. I was empowered to harass any French tea brigs I found in the region."

The sheriff shook his head. "Show us this letter, Captain."

"I want to see after the boy first."

"Later. I'll see that letter now."

It was a terrible thing, taking orders from this man. But Harold reluctantly led the walk to his cabin, each step a hollow wooden echo threatening the satisfaction he'd known only minutes before. The ship about him grew stiff and quiet as he marched, the deck crew watching in bewildered silence.

In his cabin, Harold could hardly light a candle, his hand shook so with a smoldering rage. As the shadows receded, he drew the key from his pocket.

The drawer unlocked. He pulled it open.

It was empty.

Impossible.

"It was here!" he shouted. "I read it only minutes ago!"

The sheriff's men gripped Harold's arms.

"Wait," he said with bewildered despair. "Wait, please. This is all some terrible mistake. The Crown will confirm my letter. And you needn't arrest my crew. They only followed my orders."

The sheriff raised his chin with an air of indifference. "That's unfortunate," he answered. "Because it appears that your orders have led them all to the gallows."

There was a scuffle. A voice called out from the steps to the main deck—Quint Ivars's voice.

"That's my first mate," Harold called.

"Let him through," the sheriff said.

As he stepped into the captain's quarters, Quint's face was the pallor of the yellow moon, shining low through the stern windows.

"Captain," he said in a strangled voice, "the boy Simon . . . he's dead."