

DICKENS CHARLES, FITZGERALD
PERCY HETHERINGTON

**BARDELL V.
PICKWICK**

Percy Fitzgerald
Charles Dickens
Bardell v. Pickwick

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Charles Dickens

Bardell v. Pickwick

INTRODUCTION

There are few things more familiar or more interesting to the public than this *cause célèbre*. It is better known than many a real case: for every one knows the Judge, his name and remarks – also the Counsel – (notably Sergeant Buzfuz) – the witnessess, and what they said – and of course all about the Plaintiff and the famous Defendant. It was tried over seventy years ago at “the Guildhall Setzens,” and was described by Boz some sixty-three years ago. Yet every detail seems fresh – and as fresh as ever. It is astonishing that a purely technical sketch like this, whose humours might be relished only by such specialists as Barristers and Attorneys, who would understand the jokes levelled at the Profession, should be so well understood of the people. All see the point of the legal satire. It is a quite a prodigy. Boz had the art, in an extraordinary degree, of thus vividly commending trade processes, professional allusions, and methods to outsiders, and making them humorous and intelligible. Witness Jackson, when he came to “serve” Mr. Pickwick and friends with the *subpœnas*. It is a dry, business-like process, but how racy Boz made it. A joke sparkles in every line.

This trial for Breach has been debated over and over again among lawyers and barristers, some contending that “there was no evidence at all to go to the Jury” as to a promise; others insisting on mis-direction, and that there was evidence that ought not to have been admitted. The law has since been changed, and by later Acts both Mrs. Bardell and Mr. Pickwick would have been allowed to tell their stories and to have been cross-examined. Mrs. Bardell was almost justified in supposing that Mr. Pickwick was offering his hand when he was merely speaking of engaging a man-servant. But then the whole would have been spoiled. Under the present systems, this would all have come out. Mr. Pickwick, when it came to his turn, would have explained what his proceedings meant. It is a most perfect and vivid satire on the hackneyed methods of the lawyers when dealing with the witnesses. Nothing can be more natural or more graphic. It is maintained to something between the level of comedy and farce: nor is there the least exaggeration. It applies now as it did then, though not to the same topics. A hectoring, bullying Counsel, threatening and cruel, would interfere with the pleasant tone of the play; but it is all the same conveyed. There is a likeness to *Bardell v. Pickwick* in another Burlesque case, tried in our day, the well-known “Trial by Jury,” the joint work of Mr. Gilbert and the late Sir Arthur Sullivan. The general tone of both is the same and in the modern work there is a general Pickwickian flavour. Sir Arthur’s music, too, is highly “Pickwickian,” and the joint effort of the two humorists is

infinitely diverting. The Judge is something of a Stareleigh.

The truth is that Boz, the engenderer of these facetiæ, apart from his literary gift, was one of the most brilliant, capable young fellows of his generation. Whatever he did, he did in the best way, and in the brightest way. But his power of observation and of seeing what might be termed the humorous *quiddity* of anything, was extraordinary.

To put absurdity in a proper view for satirical purposes, it has to be generalised from a number of instances, familiar to all. Those legal oddities, the public had seen over and over again, but they had passed unnoticed till this clever observer set to work and noted them. As I say, it required a deep knowledge of the law to set these things in a grotesque light.

Boz had been a sort of general reporter on the *Chronicle*: he “took” everything. He had reported at police courts as well as at the law courts. His quick and bright intelligence seized the humours here, as it did those of the street. He later reported in the Gallery, and was dispatched across country in post-chaises to “take” eminent political speakers – always winning the hearty commendation of his employers for his zeal and energy.

THE CAUSE OF ACTION

Mr. Pickwick was a well-to-do bachelor, who lived by himself near the city, where he had been in trade. His age was about fifty, as can be accurately calculated by his remark on the sliding at Manor Farm. “I used to do so on the gutters when I was a boy.. but I hav’nt done such a thing these thirty years.” This was said in 1828. He resided in Goswell Street – now Goswell Road – with a widow lady, whose husband had been in the Excise. He cannot have paid more than a pound a week, if so much, for two rooms on the first floor. There was no servant, and the hardworking landlady, Mrs. Martha Bardell, performed all the duties of her household single-handed. As her Counsel later described it, – and see all she did for him! – “She waited on him, attended to his comforts, cooked his meals, looked out his linen for the washer-woman when it went abroad, darned, aired, and prepared it for his wear when it came home, and, in short, enjoyed his fullest trust and confidence.” Thus Sergeant Buzfuz, duly “instructed.” Not only was there Mr. Pickwick, but there was another lodger, and her little boy Tommy. The worthy woman took care of and looked after all three. This might incline us to take a favorable view of her. She regarded her lodger with feelings of veneration and attachment, of which proof is found in her later talk with Sam. To him she said that “he had always behaved himself like a perfect gentlemen,” and then added this significant speech: “It’s

a terrible thing to be dragged in this way before the public, but *I now see* that it's the only thing that I ought to do." That is, she seems to have held out as long as possible, believing that her amiable lodger would act as a perfect gentlemen and like himself. But when she found that even an action had no terrors for him, she saw that there was nothing else to do but to let the action go on.

And what was Mrs. Bardell like? One would imagine her a plump, buxom widow, "fat, fair, and forty," with her dear little boy, "the only pledge of her deceased exciseman," or say something between thirty and forty years old. Fortunately, two portraits have come down to us of the lady – one somewhat of this pattern, and depicting her, as she flung herself on Mr. Pickwick on that disastrous morning: the other – a swollen, dreadful thing, which must be a caricature of the literal presentment. Here we see a woman of gross, enormous proportions seated on the front bench and apparently weighing some thirteen or fourteen stone, with a vast coarse face. This is surely an unfair presentment of the worthy landlady; besides, Dodson and Fogg were too astute practitioners to imperil their chances by exhibiting to his Lordship and the Jury so ill-favoured a plaintiff. Indeed, we are told that they arranged a rather theatrical exhibition in this scene, with a view of creating an impression in their favour.

Many find pleasure in reading the Bookseller's Catalogues, and a vast number are showered on me in the course of the year. But on one of these I always gaze with a special interest,

and even tenderness. For it comes from one Herbert, who lives in Goswell Road. Only think, *Goswell* Road – erst Goswell Street, where just seventy years ago Mrs. Bardell was letting lodgings and Mr. Pickwick himself was lodging: and on the cover I read, furthur attraction, “Goswell Road, near the ‘Angel,’” whence the “stage” which took the party to the “Spaniard” at Hampstead started! Sometimes I am drawn to the shop, crowded with books; but one’s thoughts stray away from the books into speculations as to *which* house it was. But the indications are most vague, though the eye settles on a decent range of shabby-looking faded tenements – two storeys high only – and which *look* like lodging houses. Some ingenious commentators have indeed ventured to identify the house itself, arguing from the very general description in the text.

We should note, however, Mr. Pickwick’s lack of caution. He came in the very next day, having apparently made no enquiries as to the landlady. Had he done so, he would have learned of the drunken exciseman who met his death by being knocked on the head with a quart pot. He might have heard of the friends, Cluppins, Raddle, etc., who seemed to have been charwomen or something of the sort; also that there was a sort of working man as a fellow lodger. Above all, that there was no servant in the house. All which boded ill, and made it likely that Mr. Pickwick would be the easy victim of some crafty scheme.

All went well until the unluckly morning in July, 1827, when Mr. Pickwick’s friends, coming to pay a morning call, and

entering unexpectedly, surprised Mr. Pickwick with his landlady fainting in his arms in an hysterical condition. This was a very awkward business. The delinquent, however, did not at once grasp the situation, and could not “make head or tail of it, or what the lady meant.” His friends, however, had their doubts:

‘What *is* the matter?’ said the three tongue-tied Pickwickians.

‘I don’t know,’ replied Mr. Pickwick, pettishly. ‘Now, help me, lead this woman down stairs.’

‘Oh, I am better now,’ said Mrs. Bardell, faintly.

‘Let me lead you downstairs,’ said the ever gallant Mr. Tupman.

‘Thank you, sir – thank you?’ exclaimed Mrs. Bardell hysterically. And downstairs she was led accordingly, accompanied by her affectionate son.

‘I cannot conceive – ’ said Mr. Pickwick, when his friend returned – ‘I cannot conceive what has been the matter with that woman. I had merely announced to her my intention of keeping a man servant, when she fell into the extraordinary paroxysm in which you found her. Very extraordinary thing.’

‘Very,’ said his three friends.

‘Placed me in such an extremely awkward situation,’ continued Mr. Pickwick.

‘Very,’ was the reply of his followers, as they coughed slightly, and looked dubiously at each other.

This behaviour was not lost upon Mr. Pickwick. He remarked their incredulity. They evidently suspected him.

It may be reasonably supposed that Mr. Pickwick had not been very discreet, or sufficiently cautious in his general behaviour to his landlady. As we know, he was rather too effusive in his relations with the fair sex. One of his weaknesses was *kissing*. He would kiss everybody who was young or good-looking. His maxim was “Kiss early and kiss often.” Who can forget his *systematic* method of greeting the engaging Arabella? “He (1) took off his spectacles, (2) in great haste, and (3) taking both the young lady’s hands in his (4) kissed her (5) a great many times (6) perhaps a greater number of times than was absolutely necessary.” Old rogue! I have little doubt that on his return home from his tours he encircled the buxom figure of Mrs. Bardell – all of course in his own paternal and privileged way.

It should be borne in mind also that Mr. Pickwick was almost invariably drawn into his more serious scrapes and embarrassments by this devotion to the sex. The night in the boarding school garden – the affair with the spinster lady – his interview with Arabella from the top of the wall – his devotion to Mrs. Pott and Mrs. Dowler – and much more that we do not hear of, show that he was a gallant elderly gentleman. Oh, he was a “sly dog, he was.”

There is a curious burst of Mr. Pickwick’s which seems to hint at a sort of tender appreciation on his side. When the notice of trial was sent to him, in his first vehemence, he broke out that Mrs. Bardell had nothing to do with the business, “*She hadn’t the heart to do it.*” Mr. Pickwick could not speak with this certainty,

unless he knew the lady's feelings pretty well. *Why* hadn't she the heart to do it? Because she was sincerely attached to him and his interests and was "a dear creature." This, however, was a fond delusion of the worthy gentleman's. Persons of her class are not quite so disinterested as they appear to be, especially if they have to interpret the various paternal and comforting advances made to them by their well to do lodgers.

There is another factor which can hardly be left out, when considering Mr. Pickwick's responsibility – that is, his too frequent indulgence in liquor, and the insufficiency of his head to stand its influence. Now this was a very important day for him, the first time he was to set up a man servant. He had to break it to his landlady, who would naturally resent the change. He may have been *priming* himself with some of those perpetual glasses of brandy and water to which he was addicted, and who knows but that, in his ardour to propitiate, he may have gone a *little* too far? This fact too, of the introducing a man servant into her establishment, Mrs. Bardell may have indistinctly associated with a general change in his life. If she were to become Mrs. Pickwick her duties might be naturally expected to devolve on a male assistant.

Next morning he and his friends quitted London on their travels to Eatanswill in pursuit of adventure. He airily dismissed the matter. We may wonder whether he made any remonstrance to his landlady before his departure. Probably he did not, fancying that she had been merely in a slight fit of the "tantrums."

At Bury, however, after the boarding-school adventure, he was to be painfully awakened. He was sitting with his friends after dinner at the “Angel,” in his happiest mood. Winkle had related his quarrel with Pott *in re* Mrs. Pott, in a humorous fashion when one of the most delightful of humorous scenes followed.

Mr. Pickwick was proceeding with his scathing rebuke, when Sam enters with a letter.

‘I don’t know this hand,’ said Mr. Pickwick, opening the letter. ‘Mercy on us! what’s this? It must be a jest; it – it – can’t be true.’

‘What’s the matter?’ was the general inquiry.

‘Nobody dead, is there?’ said Wardle, alarmed at the horror in Mr. Pickwick’s countenance.

Mr. Pickwick made no reply, but, pushing the letter across the table, and desiring Mr. Tupman to read it aloud, fell back in his chair with a look of vacant astonishment quite alarming to behold.

Mr. Tupman, with a trembling voice, read the letter, of which the following is a copy: —

Freeman’s Court, Cornhill, August 28th, 1827.

Bardell against Pickwick.

Sir,

Having been instructed by Mrs. Martha Bardell to commence an action against you for a breach of promise of marriage, for which the plaintiff lays her damages at fifteen hundred pounds, we beg to inform you that a writ has been

issued against you in this suit in the Court of Common Pleas;
and request to know, by return of post, the name of your
attorney in London, who will accept service thereof.

We are, Sir,

Your obedient servants,

DODSON & FOGG.

Mr. Samuel Pickwick.'

So Mr. Pickwick, the general mentor, the philosopher and friend – the man of high moral tone, “born to set the world aright” – the general lecturer of his “followers,” was now in for an action at law of the most awkward and unpleasant kind. To be philandering with one’s landlady! rather low form this. But what would they say down at Manor Farm? How Isabella Wardle and her sister – and all the girls – would laugh! And the spinster aunt —*she* would enjoy it! But there was no help for it. It must be faced.

Naturally Mr. Pickwick felt uncomfortable, and his first idea was to arrange the matter. This was a sensible course, and he ought at once to have put the matter into the hands of his friend Perker, with full powers to treat. But no. Mr. Pickwick’s vanity and indiscretion made him meddle in the business behind his solicitor’s back, as it where, and with damaging results to himself – a warning to all such amateurs. It must be said that Dodson and Fogg’s behaviour at the extraordinary visit which he paid them was marked by a certain propriety. Mr. Pickwick insisted on knowing what were the grounds of action – that is, the details

of the evidence against him – in short, their case. They, very correctly, refused to tell him. “The case may be false or it may be true – it may be credible it may be incredible.” But all the same it was a strong case. This was as much as they could tell. Mr. Pickwick could only urge that if “it were so, he was a most unfortunate man,” on which Dodson promptly – “I hope you are, sir, I trust you may be, sir. If you are really innocent, you are more unfortunate than I had believed any man could possibly be.”

Mr. Pickwick then rather foolishly asked did he understand they meant to go on with the action – as if they could have been affected by his declaration. “Understand?” was the reply, “that you certainly may” – a very natural speech.

With some want of professional delicacy and etiquette, Dodson seized the opportunity to “serve” Mr. Pickwick; but they were not a high-class firm and their methods were not high-class. Then an extraordinarily incredible display followed. His passion broke forth. “*Of all the disgraceful and rascally proceedings he ever, etc.!*” Dodson summoned his clerks to listen to this gross language, and said, “Perhaps you would like to call us swindlers.” “*You are,*” said Mr. Pickwick. Fogg even wished him to assault them – and perhaps he would have done so, but for Sam, who at last got him away. This was certainly not correct, but how aggravating was Mr. Pickwick! One is rather astonished at the forbearance of this sharp firm.

Now, had Mr. Pickwick gone straight to his lodgings in Goswell Street and seen Mrs. Bardell, heard her views and

claims, had he been told by her that she had been professionally urged to go to law as she had such a strong case – there might have been some excuse for this violence to Dodson and Fogg. But he knew nothing whatever of the matter – knew nothing of the attornies – and in his blind fury gratuitously assumed that they had “conspired” to harass him in this way. True, he had overheard how they had treated poor Ramsey.

This very *malapropos* visit of Mr. Pickwick to the firm was, as I said, a mistake and damaged his case. It showed that he was nervous and anxious, and *insecure*. He took nothing by it. There was in truth much short-sighted cunning in his ways, which came of his overweening vanity. But this was only one of several attempts he made to worm out something to his own advantage.

Another of Mr. Pickwick’s foolish manœuvres was his sending his man to his old lodgings to his landlady – ostensibly to fetch away his “things,” when this dialogue passed:

‘Tell Mrs. Bardell she may put a bill up, as soon as she likes.’

‘Wery good, sir,’ replied Mr. Weller; ‘anythin’ more, sir.’

‘Nothing more, Sam.’

Mr. Weller stepped slowly to the door, as if he expected something more; slowly opened it, slowly stepped out, and had slowly closed it within a couple of inches, when Mr. Pickwick called out.

‘Sam.’

‘Sir,’ said Mr. Weller, stepping quickly back, and closing the door behind him.

‘I have no objection, Sam, to your endeavouring to ascertain how Mrs. Bardell herself seems disposed towards me, and whether it is really probable that this vile and groundless action is to be carried to extremity. *I say, I do not object to your doing this, if you wish it, Sam,*’ said Mr. Pickwick. Sam gave a short nod of intelligence and left the room.

Now this was very artful on the part of Mr. Pickwick, but it was a very shallow sort of artfulness, and it was later to recoil on himself. Sam of course saw through it at once. It never dawned on this simple-minded man what use the Plaintiff’s solicitors would make of his *demarche*.

When the subpoenas were served he rushed off to Perker:

‘They have subpoena’d my servant too,’ said Mr. Pickwick.

‘Sam?’ said Perker.

Mr. Pickwick replied in the affirmative.

‘Of course, my dear sir; of course. I knew they would. I could have told *you* that a month ago. You know, my dear sir, if you *will* take the management of your affairs into your own hands after intrusting them to your solicitor, you must also take the consequences.’ Here Mr. Perker drew himself up with conscious dignity, and brushed some stray grains of snuff from his shirt frill.

‘And what do they want him to prove?’ asked Mr. Pickwick, after two or three minutes’ silence.

‘That you sent him up to the plaintiff’s to make some offer of a compromise, I suppose,’ replied Perker. ‘It don’t

matter much, though; I don't think many counsel could get a great deal out of *him*.'

'I don't think they could,' said Mr. Pickwick.

The minutiae of legal process are prosaic and uninteresting, and it might seem impossible to invest them with any dramatic interest; but how admirably has Boz lightened up and coloured the simple incident of an attorney's clerk – a common, vulgar fellow of the lowest type, arriving to serve his subpoenas on the witnesses – all assumed to be hostile. The scene is full of touches of light comedy.

'How de do, sir?' said Mr. Jackson, nodding to Mr. Pickwick.

That gentlemen bowed, and looked somewhat surprised for the physiognomy of Mr. Jackson dwelt not in his recollection.

'I have called from Dodson and Fogg's,' said Mr. Jackson, in an explanatory tone.

Mr. Pickwick roused at the name. 'I refer you to my attorney, sir: Mr. Perker, of Gray's Inn,' said he. 'Waiter, show this gentleman out.'

'Beg your pardon, Mr. Pickwick,' said Jackson, deliberately depositing his hat on the floor, and drawing from his pocket the strip of parchment. 'But personal service, by clerk or agent, in these cases, you know, Mr. Pickwick – nothing like caution, sir, in all legal forms?'

Here Mr. Jackson cast his eye on the parchment; and, resting his hands on the table, and looking round with a winning and persuasive, smile, said: 'Now, come; don't let's

have no words about such a little matter as this. Which of you gentlemen's name's Snodgrass?

At this inquiry Mr. Snodgrass gave such a very undisguised and palpable start, that no further reply was needed.

'Ah! I thought so,' said Mr. Jackson, more affably than before. 'I've got a little something to trouble you with, sir.'

'Me!' exclaimed Mr. Snodgrass.

'It's only a *subpœna* in Bardell and Pickwick on behalf of the plaintiff,' replied Jackson, singling out one of the slips of paper, and producing a shilling from his waistcoat pocket. 'It'll come on, in the settens after Term; fourteenth of Febouary, we expect; we've marked it a special jury cause, and it's only ten down the paper. That's yours, Mr. Snodgrass.' As Jackson said this he presented the parchment before the eyes of Mr. Snodgrass, and slipped the paper and the shilling into his hand.

Mr. Tupman had witnessed this process in silent astonishment, when Jackson, turning sharply upon him, said:

'I think I ain't mistaken when I say your name's Tupman, am I?'

Mr. Tupman looked at Mr. Pickwick; but, perceiving no encouragement in that gentleman's widely-opened eyes to deny his name, said:

'Yes, my name *is* Tupman, sir.'

'And that other gentleman's Mr. Winkle, I think?' said Jackson.

Mr. Winkle faltered out a reply in the affirmative; and

both gentlemen were forthwith invested with a slip of paper, and a shilling each, by the dexterous Mr. Jackson.

‘Now,’ said Jackson, ‘I’m affraid you’ll think me rather troublesome, but I want somebody else, if it ain’t inconvenient. I *have* Samuel Weller’s name here, Mr. Pickwick.’

‘Send my servant here, waiter,’ said Mr. Pickwick. The waiter retired, considerably astonished, and Mr. Pickwick motioned Jackson to a seat.

There was a painful pause, which was at length broken by the innocent defendant.

‘I suppose, sir,’ said Mr. Pickwick, his indignation rising while he spoke; ‘I suppose, sir, that it is the intention of your employers to seek to criminate me upon the testimony of my own friends?’

Mr. Jackson struck his forefinger several times against the left side of his nose, to intimate that he was not there to disclose the secrets of the prison-house, and playfully rejoined:

‘Not knowin’, can’t say.’

‘For what other reason, sir,’ pursued Mr. Pickwick, ‘are these subpoenas served upon them, if not for this?’

‘Very good plant, Mr. Pickwick,’ replied Jackson, slowly shaking his head. ‘But it won’t do. No harm in trying, but there’s little to be got out of me.’

Here Mr. Jackson smiled once more upon the company, and, applying his left thumb to the tip of his nose, worked a visionary coffee-mill with his right hand: thereby performing a very graceful piece of pantomime (then

much in vogue, but now, unhappily, almost obsolete) which was familiarly denominated ‘taking a grinder.’ (Imagine a modern solicitor’s clerk “Taking a grinder!”)

‘No, no, Mr. Pickwick,’ said Jackson, in conclusion; ‘Perker’s people must guess what we served these subpoenas for. If they can’t, they must wait till the action comes on, and then they’ll find out.’

Mr. Pickwick bestowed a look of excessive disgust on his unwelcome visitor, and would probably have hurled some tremendous anathema at the heads of Messrs. Dodson and Fogg, had not Sam’s entrance at the instant interrupted him.

‘Samuel Weller?’ said Mr. Jackson, inquiringly.

‘Vun o’ the truest things as you’ve said for many a long year,’ replied Sam, in a most composed manner.

‘Here’s a subpoena for you, Mr. Weller,’ said Jackson.

‘What’s that in English?’ inquired Sam.

‘Here’s the original,’ said Jackson, declining the required explanation.

‘Which?’ said Sam.

‘This,’ replied Jackson, shaking the parchment.

‘Oh, that’s the ’rig’nal, is it?’ said Sam. ‘Well, I’m very glad I’ve seen the ’rig’nal, ’cos it’s a gratifyin’ sort o’ thing, and eases vun’s mind so much.’

‘And here’s the shilling,’ said Jackson. ‘It’s from Dodson and Fogg’s.’

‘And it’s uncommon handsome o’ Dodson and Fogg, as knows so little of me, to come down with a present,’ said Sam. ‘I feel it as a very high compliment, sir; it’s a very hon’rable thing to them, as they knows how to reward merit

werever they meets it. Besides wich, it's affectin to one's feelin's.'

As Mr. Weller said this, he inflicted a little friction on his right eye-lid, with the sleeve of his coat, after the most approved manner of actors when they are in domestic pathetics.

Mr. Jackson seemed rather puzzled by Sam's proceedings; but, as he had served the subpoenas, and had nothing more to say, he made a feint of putting on the one glove which he usually carried in his hand, for the sake of appearances; and returned to the office to report progress.

Another of Mr. Pickwick's foolish and self-willed proceedings was the interview with Serjeant Snubbin, which he so positively insisted upon. We may wonder now-a-days would any K.C. of position have condescended to allow such a proceeding? I fancy it would be thought "irregular:" though perhaps *ex gratia*, and from the oddity of the proposal, it might be conceded.

When Mr. Pickwick called upon him, it turned out that the Serjeant knew nothing whatever of his case; probably cared nothing about it. It was not in his line. He perhaps wondered why the old-fashioned lawyer had "retained" him. We learn Parker's reason:

'Well, we've done everything that's necessary. I have engaged Serjeant Snubbin.'

'Is he a good man?' inquired Mr. Pickwick.

'Good man!' replied Perker; 'bless your heart and soul,

my dear sir, Serjeant Snubbin is at the very top of his profession. Gets treble the business of any man in court – engaged in every case. You needn't mention it abroad; but we say – we of the profession – that Serjeant Snubbin leads the court by the nose.'

How foolish was this reasoning can be seen on an instant's reflection. To "lead the court by the nose" is well enough in an argument before a judge; but here it was more important to lead *a jury* by the nose, which Buzfuz knew how to do. Moreover when a counsel has this power, it usually operates on a special judge and his colleagues; but who could guarantee that Snubbin's special judge would try the case. As it turned out, the Chief Justice fell sick before the day, and Mr. Justice Stareleigh unexpectedly took the case. He as it proved was anything but "led by the nose." Perker indeed, summed up the whole weakness of the case in a single sentence:

'They have subpoena'd my three friends,' said Mr. Pickwick.

'Ah! of course they would,' replied Perker. 'Important witnesses; saw you in a delicate situation.'

'But she fainted of her own accord,' said Mr. Pickwick. 'She threw herself into my arms.'

'Very likely, my dear sir,' replied Perker; 'very likely and very natural. Nothing more so, my dear sir, nothing. *But who's to prove it?*'

A suggestion, we are told, that rather "staggered" Mr. Pickwick.

Within ten minutes after he had received the assurance that the thing was impossible, he was conducted by his solicitors into the outer office of the great Serjeant Snubbin himself.

It was an uncarpeted room of tolerable dimensions, with a large writing table drawn up near the fire, the baize top of which had long since lost all claim to its original hue of green, and had gradually grown grey with dust and age, except where all traces of its natural colour were obliterated by ink-stains. Upon the table were numerous little bundles of papers tied with red tape; and behind it, sat an elderly clerk, whose sleek appearance and heavy gold watch-chain presented imposing indications of the extensive and lucrative practice of Mr. Serjeant Snubbin.

‘Is the Serjeant in his room, Mr. Mallard?’ inquired Perker, offering his box with all imaginable courtesy.

‘Yes, he is,’ was the reply, ‘but he’s very busy. Look here; not an opinion given yet, on any one of these cases; and an expedition fee paid with all of them.’ The clerk smiled as he said this, and inhaled the pinch of snuff with a zest which seemed to be compounded of a fondness for snuff and a relish for fees.

‘Something like practice that,’ said Perker.

‘Yes,’ said the barrister’s clerk, producing his own box, and offering it with the greatest cordiality; ‘and the best of it is, that as nobody alive except myself can read the Serjeant’s writing, they are obliged to wait for the opinions, when he has given them, till I have copied ’em, ha – ha – ha!’

‘Which makes good for we know who, besides the

Serjeant, and draws a little more out of his clients, eh?’ said Perker; ‘Ha, ha, ha!’ At this the Serjeant’s clerk laughed again – not a noisy boisterous laugh, but a silent, internal chuckle, which Mr. Pickwick disliked to hear. When a man bleeds inwardly, it is a dangerous thing for himself; but when he laughs inwardly, it bodes no good to other people.

‘You haven’t made me out that little list of the fees that I’m in your debt, have you?’ said Perker.

‘No, I have not,’ replied the clerk.

‘I wish you would,’ said Perker. ‘Let me have them, and I’ll send you a cheque. But I suppose you’re too busy pocketing the ready money, to think of the debtors, eh? ha, ha, ha!’ This sally seemed to tickle the clerk, amazingly, and he once more enjoyed a little quiet laugh to himself.

‘But, Mr. Mallard, my dear friend,’ said Perker, suddenly recovering his gravity, and drawing the great man’s great man into a corner, by the lappel of his coat, ‘you must persuade the Serjeant to see me, and my client here.’

‘Come, come,’ said the clerk, ‘that’s not bad either. See the Serjeant! come, that’s too absurd.’ Notwithstanding the absurdity of the proposal, however, the clerk allowed himself to be gently drawn beyond the hearing of Mr. Pickwick; and after a short conversation conducted in whispers, walked softly down a little dark passage and disappeared into the legal luminary’s sanctum, from whence he shortly returned on tiptoe, and informed Mr. Perker and Mr. Pickwick that the Serjeant had been prevailed upon, in violation of all his established rules and customs, to admit them at once.

The Serjeant was writing when his clients entered; he bowed abstractedly when Mr. Pickwick was introduced by his solicitor; and then, motioning them to a seat, put his pen carefully in the inkstand, nursed his left leg, and waited to be spoken to.

‘Mr. Pickwick is the defendant in Bardell and Pickwick, Serjeant Snubbin,’ said Perker.

‘I am retained in that, am I?’ said the Serjeant.

‘You are, Sir,’ replied Perker.

The Serjeant nodded his head, and waited for something else.

‘Mr. Pickwick was anxious to call upon you, Serjeant Snubbin,’ said Perker, ‘to state to you, before you entered upon the case, that he denies there being any ground or pretence whatever for the action against him; and that unless he came into court with clean hands, and without the most conscientious conviction that he was right in resisting the plaintiff’s demand, he would not be there at all. I believe I state your views correctly; do I not, my dear Sir?’ said the little man, turning to Mr. Pickwick.

‘Quite so,’ replied that gentleman.

Mr. Serjeant Snubbin unfolded his glasses, raised them to his eyes; and, after looking at Mr. Pickwick for a few seconds with great curiosity, turned to Mr. Perker, and said, smiling slightly as he spoke —

‘Has Mr. Pickwick a strong case?’

The attorney shrugged his shoulders.

‘Do you purpose calling witnesses?’

‘No.’

The smile on the Serjeant's countenance became more defined; he rocked his leg with increased violence, and, throwing himself back in his easy-chair, coughed dubiously.

These tokens of the Serjeant's presentiments on the subject, slight as they were, were not lost on Mr. Pickwick. He settled the spectacles, through which he had attentively regarded such demonstrations of the barrister's feeling as he had permitted himself to exhibit, more firmly on his nose; and said with great energy, and in utter disregard of all Mr. Perker's admonitory winkings and frownings —

'My wishing to wait upon you for such a purpose as this, Sir, appears, I have no doubt, to a gentleman who sees so much of these matters as you must necessarily do, a very extraordinary circumstance.'

The Serjeant tried to look gravely at the fire, but the smile came back again.

'Gentlemen of your profession, Sir,' continued Mr. Pickwick, 'see the worst side of human nature — all its disputes, all its ill-will and bad blood, rise up before you. You know from your experience of juries (I mean no disparagement to you or them) how much depends upon *effect*; and you are apt to attribute to others, a desire to use, for purposes of deception and self-interest, the very instruments which you, in pure honesty and honour of purpose, and with a laudable desire to do your utmost for your client, know the temper and worth of so well, from constantly employing them yourselves. I really believe that to this circumstance may be attributed the vulgar but very general notion of your being, as a body, suspicious,

distrustful, and over-cautious. Conscious as I am, Sir, of the disadvantage of making such a declaration to you, under such circumstances, I have come here, because I wish you distinctly to understand, as my friend Mr. Perker has said, that I am innocent of the falsehood laid to my charge; and although I am very well aware of the inestimable value of your assistance, Sir, I must beg to add, that unless you sincerely believe this, I would rather be deprived of the aid of your talents than have the advantage of them.'

Long before the close of this address, which we are bound to say was of a very prosy character for Mr. Pickwick, the Serjeant had relapsed into a state of abstraction.

Now the Serjeant might at once have replied to all this, that the innocence or guilt of a client had nothing to do with him, that his use was merely to secure a client such benefit and advantage as the law entitled him to: that a judge and jury would decide the point of innocence. Boz himself evidently shared this popular delusion, and seems to be speaking by Mr. Pickwick's mouth. The sagacious Serjeant, however, took no notice whatever of the appeal, but simply asked "who was with him" in the case. Mr. Phunky was sent for, and asked by his leader "to take Mr. Pickwick away" and "hear anything he may wish to communicate." The party was then bowed out.

The truth was, Mr. Pickwick's attorney was too much of a social character and of the "old family solicitor" pattern for so critical a case. The counsel he "instructed" were unsuitable.

Serjeant Snubbin was an overworked “Chamber lawyer,” whose whole time and experience was given to furnishing “opinions” on tangled cases; so pressed was he that he took “expedition fees” to give certain cases priority: an illegitimate practice that now the Bar Committee would scarcely tolerate. What could such a man know of *nisi prius* trials, of cross-examining or handling witnesses? It is enough to give his portrait, as supplied by the author:

Mr. Serjeant Snubbin was a lantern-faced, sallow-complexioned man, of about five-and-forty, or – as the novels say – he might be fifty. He had that *dull-looking boiled eye* which is often to be seen in the heads of people who have applied themselves during many years to a weary and laborious course of study; and which would have been sufficient, without the additional eye-glass which dangled from a broad black riband round his neck, to warn a stranger that he was very near-sighted. His hair was thin and weak, which was partly attributable to his having never devoted much time to its arrangement, and partly to his having worn for five-and-twenty years the forsenic wig which hung on a block beside him. The marks of hair powder on his coat collar, and the ill-washed and worse tied white neckerchief round his throat, showed that he had not found leisure since he left the court to make any alteration in his dress: while the slovenly style of the remainder of his costume warranted the inference that his personal appearance would not have been very much improved if he had. Books of practice, heaps of papers, and opened letters, were scattered over

the table, without any attempt at order or arrangement; the furniture of the room was old and rickety; the doors of the bookcase were rotting in their hinges; the dust flew out from the carpet in little clouds at every step; the blinds were yellow with age and dirt; the state of everything in the room showed, with a clearness not to be mistaken, that Mr. Serjeant Snubbin was far too much occupied with his professional pursuits to take any great heed or regard of his personal comforts.

It was a characteristic feature of the slowness of legal process in those days that though the notice of action was sent on August the 28th, 1827, the case was not ripe for trial until February 14th of the next year – nearly six months having elapsed. It is difficult to speculate as to what this long delay was owing. There were only two witnesses whose evidence had to be briefed – Mrs. Cluppins and Mrs. Sanders – and they were at hand. It is odd, by the way, that they did not think of examining little Tommy Bardell, the only one who actually witnessed the proceeding. True, he was of tender years – about eight or ten – and the son of the Plaintiff, but he must have “known the nature of an oath.”

THE TRIAL

At last the momentous morning came round. It was the fourteenth of February, Valentine's Day, 1828 – one not of good omen for the Plaintiff.¹ The Defendant's party was rather gloomy at breakfast, when Perker, by wave of encouraging his client, uttered some *dicta* as to the chances of the Jury having had a good breakfast “Discontented or hungry jurymen, my dear Sir, always find for the Plaintiff.” “Bless my heart,” said Mr. Pickwick, looking very blank, “What do they do that for!”

The party then got into hackney coaches and was driven to the Guildhall, where the case was to be tried at ten o'clock precisely.

How dramatic Boz has made the “calling of the Jury,” which might be thought an uninteresting and prosaic operation enough. It was a special jury, which entailed one guinea per head extra expense on Mr. Pickwick. He had, of course, asked for it: but Dodson and Fogg would have been well content with

¹ So confused is the chronology of *Pickwick*, that it is difficult to fix the exact date of the Trial. Boz, writing some ten years after the event, seems to have got a little confused and uncertain as to the exact year of the Trial. He first fixed the opening of the story in 1817: but on coming to the compromising incident in Goswell Street, which occurred only a few weeks later, he changed the year to 1827. Then Jingle's anachronism of the French Revolution of July suggested that the new date would not do. So 1830 was next adopted. But this did not end the matter, for in the “errata” we are directed to change this date back again to 1827. And so it now stands. The Trial therefore really took place on April 1, 1828.

and perhaps even have preferred a common jury. Now-a-days, special jurors, though summoned largely, have to be almost coerced into attending. A fine of ten pounds is imposed, but this is almost invariably remitted on affidavit. The common jurors, moreover, do not show the reluctance to “serve” of Groffin, the chemist. A guinea is not to be despised. There are, as it were, professional common jurors who hang about the Courts in the hope of being thus called as “understudies.” On this occasion what was called a *Tales* was prayed for, and two common jurors were pressed into the service: and “a greengrocer and a chemist were caught directly.”

It is impossible to say too much of the completeness with which the legal scene is put forward. Everything is dealt with. We have perfect sketches of the judge, the ushers, the jury, the counsel on the case, the witnesses, the barristers, the attorneys; we have the speeches, the methods of examination and cross-examination.

There is nothing better or more life-like than the sketch of the court in the chill morning, and before the actors came on the scene – the inimitable description of the idle barristers hanging about “the Bar of England,” which is accurate to this hour.

Few could describe effectively the peculiar appearance of a crowd of barristers assembled in a Court of Law. They are a type apart, and their odd headgear accentuates all the peculiarities of their faces. No one has, however, succeeded so well as Boz in touching off their peculiarities. This sort of histrionic guise and

bearing is assumed with a view to impose on his friends and the public, to suggest an idea that they have much or at least something to do.

‘And that,’ said Mr. Pickwick, pointing to a couple of enclosed seats on his right, ‘that’s where the jurymen sit, is it not?’

‘The identical place, my dear Sir,’ replied Perker, tapping the lid of his snuff-box.

Mr. Pickwick stood up in a state of great agitation and took a glance at the court. There were already a pretty large sprinkling of spectators in the gallery, and a numerous muster of gentlemen in wigs in the barristers’ seats, who presented, as a body, all that pleasing and extensive variety of nose and whisker for which the bar of England is so justly celebrated. Such of the gentlemen as had got a brief to carry, carried it in as conspicuous a manner as possible, and occasionally scratched their noses therewith, to impress the fact more strongly on the observation of the spectators.

One of the happiest descriptions is surely that of the binding of law books. A law library is the most repulsive and uninteresting thing in the world. The colour of the leather is unhealthy and disagreeable, and the necessary shading is secured at the expense of grace. Boz characterises it as ‘that under-done pie crust.’

Other gentlemen, who had no briefs to show, carried under their arms goodly octavos, with a red label behind, and that under-done-pie-crust-coloured cover, which is technically known as “law calf.” Others, who had neither

briefs nor books, thrust their hands into their pockets, and looked as wise as they conveniently could; while others, again, moved here and there with great restlessness and earnestness of manner, content to awaken thereby the admiration and astonishment of the uninitiated stranger. The whole, to the great wonderment of Mr. Pickwick, were divided into little groups, who were chatting and discussing the news of the day in the most unfeeling manner possible – just as if no trial at all were coming on.

A bow from Mr. Phunky, as he entered, and took his seat behind the row appropriated to the King's Counsel, attracted Mr. Pickwick's attention; and he had scarcely returned it, when Mr. Serjeant Snubbin appeared, followed by Mr. Mallard, who half hid the Serjeant behind a large crimson bag, which he placed on his table, and after shaking hands with Perker, withdrew. Then there entered two or three more Serjeants, and among them, one with a fat body and a red face, who nodded in a friendly manner to Mr. Serjeant Snubbin, and said it was a fine morning.

'Who's that red-faced man, who said it was a fine morning and nodded to our counsel?' whispered Mr. Pickwick.

'Mr. Serjeant Buzfuz,' replied Perker. 'He's opposed to us; he leads on the other side. That gentleman behind him is Mr. Skimpin, his junior.'

Mr. Pickwick was just on the point of inquiring, with great abhorrence of the man's cold-blooded villainy, how Mr. Serjeant Buzfuz, who was counsel for the opposite party, dared to presume to tell Mr. Serjeant Snubbin, who

was counsel for him, that it was a fine morning, – when he was interrupted by a general rising of the barristers, and a loud cry of ‘Silence!’ from the officers of the court. Looking round, he found that this was caused by the entrance of the Judge.

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