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Book Review. Charles Dickens As a Legal Historian by W. S. Holdsworth

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CHARLES DICKENS AS A LEGAL HISTORIAN. By William S. Holdsworth. New Haven: The Yale University Press. 1928. Pp. 149.

As a source for many helpful sidelights on legal history, the eminent author regards the novels of Charles Dickens as particularly valuable. "There are," he says, "two main reasons why Dickens' pictures of the courts, the lawyers, and the law of his day have this unique value. In the first place, they give us information which we can get nowhere else. In the second place, these pictures were painted by a man with extraordinary powers of observation, who had first hand information."

We see throughout these hundred and forty-nine pages of delightful reading, for the first time, the entire group of Dickens' creations who were connected in some way with the law. There is that "very 'umble person," Uriah Heep; Sally Brass and the disagreeable Sampson, of Bevis Marks who catered to such rogues as Quilp, the repulsive dwarf; Jagger, the criminal lawyer, haughty, bullying, and obnoxious; Solomon Pell, the seedy individual whose professional activities were confined to the insolvent court; Snitchey, the real property lawyer who looked at the landscape "with the eye of a conveyancer"; the dapper and likeable Perker, who, as Professor Holdsworth suggests, managed Pickwick so admirably and his case so stupidly; Dodson and Fogg, the cleverest practitioners that Mr. Lowton and Perker had ever known—in fact so clever that they succeeded in achieving the singular feat of taking in execution for costs both the plaintiff and defendant in the action of *Bardell v. Pickwick*. Then there was Talkington, the society lawyer, and Stryver, the common law pleader who "always had his points at his fingers' ends in the morning," despite his dissipations of the night before with Sydney Carton, the two of whom had consumed enough spirits between Hilary Term and Michaelmas to have floated, we are told, a king's ship. We find, too, represented here the sergeants at law, the aristocracy of the profession from the time of Chaucer's *Canterbury Travelers* until 1875, when the Judicature Act abolished the noble order. To this class belong Buzfuz, whose prototype in actual litigation so successfully handled the type of sensational litigation represented by Mrs. Bardell's action; and Sergeant Snubbin who, though outwitted, "did the best he could for Pickwick."

Though more familiar with the lower and more humble members of ~~the~~ profession, Dickens has given us one judge, the never-to-be-forgotten Stareleigh, in pleasing contrast to who is his only chancellor, for whom, we are told, Lord Lyndhurst, Eldon's successor, served as the model.

Dickens' account of chancery procedure in *Jarndyce v. Jarndyce*, "the greatest of chancery suits known," pictures that court at the worst stage of its long and varied history—so bad, in fact, that only shortly after did the legislature find it necessary to introduce the sweeping reforms that have provided it with the machinery necessary to handle modern litigation. The author follows this suit from the bill to the process, devoting to it one entire lecture. Dickens knew well enough the terrors of a chancery suit in 1827, having been complainant in five actions against piratical publishers, in all of which he had been victorious except, Holdsworth informs us, in receiving his costs. In fact Dickens' unfortunate experience of losing in spite of winning, induced

him, as he himself divulges, to suffer further wrongs rather than endure the greater wrongs incident to winning at chancery.

Professor Holdsworth thoroughly justifies Dickens' dismal picture of the type of justice administered by the court of chancery at this period. The lecture on Bleak House is really a brief history of chancery procedure in the middle of the nineteenth century.

For a lawyer, the reading of Dickens' novels must raise a multitude of questions which only the legal historian can answer. For example, why could a chancery action be so protracted over a period of years to include several generations of parties to the suit? How was it possible for a simple action in equity to consume the whole of a large estate in costs? Why could Pickwick, a man of means, be arrested and sent to prison as a result of a civil action? Why should Dodson and Fogg elect to arrest a man of Pickwick's resources rather than resort to the writ of *feri facias*, *levari facias* or *elegit*? How could both parties to a civil action be held for costs? How was it that neither could testify in his own behalf? These and countless other perplexing situations are made clear in a manner that is fascinating to the general reader and highly instructive to the lawyer.

The lectures were originally delivered in the William L. Storrs Lecture Series, 1927, before the Yale Law School. The book is attractively bound and printed with large type, easy to read. It has one or two glaring typographical errors.

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