DICKENS THE CLINICIAN

By Dr. Peter Jones

Delivered at a meeting of the Medico-Legal Society held on 27th May, 1972, at 8.30 p.m. at the Royal Australasian College of Surgeons, Spring Street, Melbourne. The Chairman of the meeting was the President, Dr. J. G. McMahon.

Somewhere, someone has said that Dickens was, or is, all things to all men and this is certainly true if it means that he has left us such an enormous tapestry of nineteenth century England, embroidered in such variety and detail that we can find therein relevant information whatever our field of enquiry.

If I had the temerity to suggest a subtitle, it would be one traditionally frowned upon by this society, namely "Medicine and Law in Dickens", for both medicine and law are well represented. In medicine: only two or three doctors and medical students, but dozens of patients; in law: an extraordinary portrait gallery of more than two hundred members of the legal profession, of all levels from Uriah Heap to Judge Stareleigh, and many of their clients.

In the Purvis Oration to the West Kent Medico-Chirurgical Society in 1955, Lord Brain, then President of the Royal College of Physicians, reviewed Dickens' clinical descriptions, mostly of adults, in a lecture entitled "Dickensian Diagnoses" (Brain, 1956), but tonight I propose to confine the medical aspects to Dickens' literary children, especially his sick children and, with some presumption, to consider some of the points of law he made use of as plot devices.

Many of Dickens' novels touch on law and lawyers, particularly *Pickwick Papers* and *Bleak House*, the former devoted chiefly to the common law, while the second is a scathing account of the workings of the Court of Chancery at the worst period of its history.

I would like to review briefly Dickens' own childhood, which was the source of much of what he wrote in later years; then to describe some of the medical and legal aspects of each of his major works, taking them more or less in the chronological order in which they were written.

Charles Dickens was born on 7th February 1812, in Portsmouth where his father, a clerk in the Navy Pay Office, had been

temporarily transferred to help pay off naval crews during a lull in the Napoleonic wars.

When Charles was five years old the family moved to Chatham where the Dickens children were looked after by Mary Weller, a kind and well-remembered soul, whose warmth is reflected in the goodness of Peggotty, David Copperfield's nurse. Mary Weller regaled her small charges with fantastic, even blood-curdling stories, and her surname, Weller, was the source of the name of the worldly and warmhearted Sam who married a bright young servant girl, not surprisingly called Mary, in *Pickwick Papers.*

Charles came to know Chatham and its dockyards very well. Files of prisoners in chains and convict garb were housed in hulks and employed in loading naval stores. They must have aroused the young Charles' curiosity, if not compassion, mixed with dread. Little stretch of the imagination is required to see, through his eyes, Magwitch, fearsome and fettered, who would burst upon Pip in the graveyard in *Great Expectations.*

The first hint of insecurity in the Dickens family affairs came in 1821 when they moved to cheaper lodgings in Chatham, a move made necessary by John Dickens' rather improvident ways. But Charles was still able to attend a dame's school and later a private school run by a Mr. Giles. It was here that he first heard from other boys of the frightfulness of schools in Yorkshire, tales of hunger, anguish and maltreatment, which he stored away and later explored and confirmed in person, posing as a parent of a prospective pupil, and recreated as Dotheboys Hall in *Nicholas Nickelby.*

When Charles was ten years old, his family returned to London, leaving him happily boarding at school in Chatham. The bustling scene of their departure by coach was the origin of the Micawbers' ebullient farewell, when, reunited at last, they bid David goodbye and set out for Australia, on the same ship as the Peggottys, in the closing chapters of *David Copperfield.*

The Dickens family fortunes turned sharply downward in the following year. When Charles rejoined his family in London in 1822, it was to find that they now lived in a depressed and depressing part of Camden Town in a house with four bedrooms which housed his parents, Charles and four other children, a lodger, and a twelve year old orphan servant girl. We know almost nothing about the little orphan, except that she came from the Chatham Workhouse, but she reappears in several roles, as the "orphling" in *David Copperfield,* as Guster in *Bleak*

House, but possibly in most detail as the quick-witted little slavey-of-all-work who always had "a cold from damp living", in *The Old Curiosity Shop*. The raffish but kindly Dick Sweiveller named her "the Marchioness"; he alone treated her as a human being, shared his meals with her and taught her to play cribbage, for which she repaid him by nursing him through a long bout of fever. Later again he sent her to school, gave her an impressive new name, Saphronia Sphinx, and finally married her.

At ten years of age Charles' health was poor; he suffered recurring bouts of fever, chills, and "spasms". He was miserable and lonely, and even worse, there was no money for his schooling. At the age of ten he suffered the most traumatic emotional experience of his life; he was sent to work in Warren's Blacking Factory at Hungerford Stairs on the bank of the Thames, in a building swarming with rats, and from 8 a.m. to 8 p.m. he labelled and wrapped pots of blacking.

Such was Dickens' feeling of shame that he never mentioned this episode in his life to anyone but his wife and to William Forster, his long-time colleague and friend, and first biographer. Warren's is, of course, the factory of Murdstone and Grinby where David Copperfield's stepfather sent him to work cleaning bottles.

Eleven days after Charles went to Warren's factory, his father was arrested for debt and sent to the Marshalsea Prison where Charles visited him often in the months that followed. There is no doubt that John Dickens and Wilkins Micawber are more than brothers-in-debt. Both were pompous but kindly, and lovable if improvident. If any further clue to their shared identity were necessary, John Dickens' repentant advice to Charles is, almost verbatim, Mr. Micawber's advice to David Copperfield, the famous and familiar warning against deficit budgets:

> If a man had 20 pounds a year and spent 19 pounds 19 shillings and 6 pence, he would be happy, but that a shilling spent the other way would make him wretched.

His sorrow at visiting his father in prison burned deep into Charles' memory and led to a lifelong interest in prisons and prisoners. The inmates he met during his visits furnished him with a whole company of characters which were studied throughout his later works: Barnaby Rudge in Newgate Jail; Mr. Pickwick in Fleet Prison; Fagan in the death cell, and especially William Dorrit in the Marshalsea, complete with John Dickens' fluttering, frightened movements of his hands about his lips.

Charles Dickens was also aware of the range of the psychological effects of long imprisonment. Little Dorrit, who was born in the Marshalsea Prison, has her normally admirable set of values sufficiently distorted to condone her father's frauds; her brother Tip is permanently unsettled, apathetic, and unable to keep any of the many positions found for him; William Dorrit finally breaks down in later prosperous years, and revives his pathetic sponging on visitors for "considerations" due to him as the senior member of the prison company. This reversion to a previous pattern of behaviour is also to be found in *A Tale of Two Cities* in which Dr. Manette returns, in spirit when under stress, to his inner refuge, the quiet, undemanding routine of a cobbler's bench.

Charles had only been employed at Warren's for five months when he was discharged following a disagreement between his employer and his father. Soon after, a small legacy freed his father from debt and from prison. Dickens' mother was anxious for him to return to the factory, but his father would have none of it, and Charles' feelings for his mother and perhaps for all womenkind were never quite the same again. Years later when a man he wrote:

> I never afterwards forgot, I shall never forget, I never can forget, that my mother was warm for my being sent back.

All his biographers agree that the experiences of the sensitive, impressionable boy at Warren's made Dickens especially aware of a child's shame, suffering and sense of injustice, themes which recurred frequently throughout his later works.

When his inadequate schooling was completed, Charles presented himself at the age of fifteen to the firm of Ellis and Blackmore of Holborn Court, Grays Inn where he worked as a clerk for eighteen months.

Very possibly it was the usefulness of shorthand in recording court proceedings which stimulated Charles to learn and quickly master the Gurney system.

Within twelve months he was a freelance legal stenographer; by the age of eighteen he was travelling widely to report election speeches, and in his early twenties he was acknowledged as the fastest and most accurate reporter in the crowded Strangers' Gallery in Parliament where he worked for an unofficial but widely read rival of *Hansard*—called the "Mirror of Parliament". Dickens' work there acquainted him fully with the appalling conditions of children working in factories and mines and, in this

knowledge, augmented by his own observations in the streets, lay the seeds of his desire for social reform.

In the years between fifteen and twenty, there were three important formative influences on Dickens' life and his subsequent work.

The first influence was the legal experience with Ellis and Blackmore. From it came a host of plot devices and legal characters, all in their authentic surroundings: the seedy unswept offices, the musty leather-bound tomes, and the cheap eating-houses of the lower levels of the law.

The second influence was Dickens' acquaintance with the evils of child labour. It is difficult for us today to imagine the case of children in England in the first half of the nineteenth century.

The Report of the Children's Employment Commission of 1841 holds horrors enough for any Gothic tale. In underground tunnels no larger than a good-sized drain, seven-year-olds dragged carts of coal to which they were chained. Girls of eight or nine clad only in rags, worked in the dark, up to their knees in water, beside men who wore nothing at all. Stunted boys of ten or twelve worked fourteen to eighteen hours a day in foundries, fed on offal, and burned by showers of sparks from molten metal. 'Mudlarks' of five or six spent their days wading barefoot in the Thames' ooze, feeling with their toes for scrap metal or lost treasures.

Fifty years later in 1866, and three years after Charles Kingsley had written *The Water Babies*, there were still over 2,000 "climbing boys" between five and ten years of age employed as chimney sweeps in London. The impotence of Parliament, as he saw it, convinced Dickens that that was no path for a zealous reformer, and this led to his refusal, on several occasions, to stand for election.

The third important influence was Dickens' first love, Maria Bednell. She was eighteen and Charles seventeen when they first met in 1829; he fell completely in love for the first time, but it was one-sided, and after she had "toyed with his devotion" for nearly four years, he was firmly dismissed by her socially ambitious parents. Dickens became embittered, and in later years remembered most clearly her vanity, her childishness and the heartless ease with which she had flirted and forgotten him. Maria nevertheless had a profound effect on Charles Dickens, especially on the women characters in his novels. Young girls he tended to idolise, and his eccentrics, like Sara Gamp, are marvellous crea-

tions, but few of his normal adult women emerge as fully-rounded characters.

Maria Bednell is probably best seen in Dora Spendlow, David Copperfield's child-like first wife, very likely as the vain Dolly Varden in *Barnaby Rudge* and, after meeting Maria again in Middle-age, as the fat and foolish Flora Finching in *Little Dorrit.*

In 1836, the *Evening Chronicle* commissioned a series of monthly instalments which originally appeared as "The Post-humous Papers of the Pickwick Club". Newly married to a wife he loved, Catherine Hogarth, his buoyant gaiety and humour took wing in the first instalment. Mr. Pickwick and Sam Weller were soon great favourites, in a remarkable first "novel", if we may call it that, in which nearly three hundred characters were introduced, as well as many of the social themes he developed more fully in his later works.

The *Pickwick Papers* contain a remarkably detailed description of a clinical condition so rare that only twenty-six cases have so far been recorded in medical literature. The inescapable conclusion is that Dickens carefully observed a typical case and described a syndrome which went in search of a name for more than 100 years. Willi Kleine reported a case in Vienna in 1925, and Max Levin another in 1929, and since 1943 it has been known as the Kleine-Levin syndrome.
Mr. Wardle said:

> Now, Joe, the fowls. Damn that boy, he's gone to sleep again . . . the leaden eyes which twinkled behind his mountainous cheeks leered horribly upon the food as he unpacked it from the basket . . . The fat boy rose, opened his eyes, swallowed the huge piece of pie he had been in the act of masticating when he last fell asleep and slowly obeyed his master's orders.

One final detail is added in Joe's unexpected attempts to "ravish a kiss" from Arabella Wardle's maid in a hotel dining-room, advances which were easily evaded. Precocious, amorous overtures were noted as part of the syndrome and specifically mentioned by Macdonald Critchley in his article published in "Brain" in 1962. This review, with the somewhat Dickensian title of "Periodic hypersomnia and megaphagia in adolescent males", contains two surprises: the first is that the symptoms are self-limiting and all abnormalities disappear in the course of a few years; the second is that there is no mention of Dickens, or

Joe, in a review of what might, with justice, be called "Dickens' disease".

Pickwick Papers also contains one of the longest and most detailed passages of law in Dickens' works—the case of Mrs. Bardell, Widow, v. Mr. Pickwick, Gentleman, for breach of promise. It is full of fine legal points, and might well be an authentic transcript of a common law proceedings, for Dickens arranged for his friend Serjeant Thomas Noon Talfourd to revise the trial chapters, and *Pickwick Papers,* when published in book form was dedicated to Talfourd. He was the author of the first Copyright Act, and also Dickens' counsel in his Chancery actions against publishers who pirated *A Christmas Carol.* The term "serjeant" comes from late Latin *serventia*: serving, and originally had the same sense as *servitor,* thus Serjeant-Surgeon to the Royal Household. In legal terminology serjeants at law were senior barristers from whose ranks judges of common law were chosen, until 1880, although new appointees ceased from the Judicature Act of 1873. The original Serjeant's Inn was sold, and later demolished, thus joining Faringdon's New Inn and Clement's Inn among the ghosts of legal history.

Serjeant Buzfuz and Serjeant Snubbin who led for Bardell and Pickwick, respectively, steered their clients through the mediaeval machinery of a Court which did not grind to a halt until 1828.

All the antique pieces are there:

—the writ of *capias ad respondendum* to bring on the action;

—the prayer for a 'tales' (*tales circumstantibus*), i.e. the impressment of bystanders to make up the jury of twelve, the other ten in this case being juror-witness who had been summoned to appear;

—the parties to the action were prohibited from giving evidence, because it was held that they would be so biased that an opportunity to testify would be a direct incitement to perjury; and

—finally, Mr. Pickwick's arrest in execution of the judgment against him.

Arrest and imprisonment for debt is nothing new to readers of Dickens, but as Mr. Pickwick was a man of some means why was he imprisoned?

Since the reign of Edward III, if a writ of *capias ad respondendum* was used to bring the defendant before the court, a writ of *capias ad satisfaciendum,* involving the constraint of the debtor's person, naturally followed. There was some reason for this course in the case of Mr. Pickwick for he had no property, no

home, no chattels of any value, but lived on the income from investments which were not subject to physical seizure.

There is irony in Mrs. Bardell's arrest on a writ of *cognovit actionem*, and her despatch to the same prison as Mr. Pickwick. In suggesting the solution to their double imprisonment, Dickens made one of his few legal slips: Perker tells Pickwick that the only way to get Mrs. Bardell out of prison was to pay the costs of "both the plaintiff and the defendant". But the costs owing to Dodson & Fogg were Mrs. Bardell's costs, as plaintiff. It was his refusal to pay these costs to Dodson & Fogg which was the cause of Mrs. Bardell's arrest. In fact (and in fiction) Mr. Pickwick could and did rescue himself and Mrs. Bardell by paying her costs, and only *her* costs.

In *Pickwick Papers* Mrs. Weller is concerned to make a will, but it is not made clear that she had a settlement of which she could have disposed. Under the law of the time, all her property would have passed to her husband on her marriage.

Before *Pickwick Papers* was concluded, *Oliver Twist* was already under way, and this is a landmark in literature, for never before had a child provided the title and central focus of an English novel. Oliver personifies workhouse children and the savage effects of the Poor Laws, and the story shows the fatal ease with which a boy could join a school for pickpockets, and fall into the hands of a vicious fence, a brutal thief and a gin-sodden trollop. If these descriptions conflict with impressions created by the recent film, Dickens would have been equally amazed at the picture of a lovable, capering Fagin, or a pink-and-white ingénue Nancy.

It is difficult to think of *Oliver Twist* as something akin to the *Little Red Schoolbook* in its day, but evidence that it was, and that it was eroding adolescents' morals was reported by a Police Commissioner who is quoted as describing young delinquents as follows:

> On Sundays they play cards, dominoes and pitch-halfpenny, read Jack Sheppard, Oliver Twist . . . and plan robberies.

After all, it was Oliver who typified youth confronting Authority by asking for more.

The brutal Bill Sikes was made more memorable by Dickens' monologue entitled 'Sikes and Nancy' which became enormously popular. The reading or rather enactment of it was such an athletic performance that Dickens was exhausted by it, and yet he insisted on keeping it in his programme, and in giving it as often

as ten times a week, he may have significantly shortened his life. With characteristic accuracy he said:

> My ordinary pulse is 72, and it runs up under this effort to 112. . . . Besides, . . . it takes me ten or twelve minutes to get my wind back at all.

Stipendary magistrates, or their equivalents in courts of petty sessions, were of particular interest to Dickens. It was no passing whim which led him to apply to Lord Brougham in 1843 for such a post for himself. He saw it as one way in which he could bring kindly consideration on the one hand, and firm guidance on the other, to the unfortunate poor and the incipient criminal. He was probably influenced in this desire by his deep admiration for Henry Fielding who had been a Westminster magistrate, a legal reformer, and co-founder of the Bow Street Runners in 1760, as well as a great novelist.

The Magistrate Fang, before whom Oliver Twist was brought, was based on a notoriously bad-tempered anthropophobe, a certain Mr. Laing, who presided at the Hatton Garden Police Court. Mr. Fang was not above gerrymandering a charge so as to bring it within his jurisdiction. Oliver, you will remember, was charged with picking the pocket of Mr. Brownlow, a felony for which Oliver could have been committed for trial. Mr. Fang, however, was inclined to view the offense as "loitering with intent", a summary offence under the Vagrancy Act, which he was empowered to deal with. One of his contemporaries described Laing as a "shrivelled crabapple", and just six months after the relevant chapter of *Oliver Twist* was published, a mounting campaign was successful in removing Laing from office.

Dickens knew and admired several contemporary magistrates, but this did not prevent him from a general attack on their lesser brethren, on their arrogance, bumbling inefficiency or inhumanity, for example:

Mr. Gradgrind, J.P., in *Hard Times.*
Mr. Nupkins, Mayor of Ipswich, before whom Mr. Pickwick was hailed,
Mr. Tulrumble, Mayor of Mudfgog in *Barnaby Rudge,* and
Alderman Cute, in *The Chimes,* who is based on Sir Peter Laurie, sometime Lord Mayor of the City of London.

As a Middlesex Magistrate, Laurie had sent for trial a young girl rescued from a suicide attempt on Blackfriar's Bridge. It was

six weeks before the next such case came before him whereas, he noted with some satisfaction, the previous incidents had been three or four a week, and that many imposters had been making money by "tumbling into the Thames" in order to receive cash sent to them by sympathetic readers of the newspapers.

In *The Chimes*, Alderman Cute vows to "Put Down" Suicide, along with Want and Starvation, for "you may Put Down anything among this sort of people, if you only know the way to set about it".

Dickens felt more deeply about magistrates than judges, for magistrates belonged to the squirearchy, the ruling class, that he was antipathetic to, and typified the "instruments of Government which touch the people most closely".

In his second novel, *Nicholas Nickelby*, we have a detailed picture of children in another kind of institution, a Yorkshire school in which poor Smike, probably the first "battered baby" in literature, has been literally beaten into feeble-mindedness by violent ill-usage from which he never fully recovered.

In the closing chapters there is an account of Smike's death of consumptive fever, and in a remarkable tribute to a layman's powers of clinical description, this account was included, verbatim in Dickens' own lifetime, in at least two medical textbooks, Miller's *Principles of Surgery* (1850) and Aitken's *Science and Practice of Medicine* (1864).

No lesser person than Lord Shaftesbury confirmed the accuracy of Dickens' picture of the Yorkshire schools. He said that at the age of seven years he had been sent to a "Dotheboys Hall" and that in late middle-age the memory of it was still repulsive. No wonder, then, that as Lord Ashley he was the first President of the "Ragged Schools Union", a voluntary body formed in 1844 to provide some form of schooling for at least 100,000 children in London who were growing up without any education whatsoever.

Dickens began another series of instalments in 1840, in a periodical called *Master Humphrey's Clock*. Their eager reception can be gauged by the sale of 70,000 copies of the first issue on the day it was published, but two or three weeks later, sales languished and Dickens, ever alert to the reactions of his readers, immediately substituted another series known today as *The Old Curiosity Shop*. Its best known character, Little Nell, is one of a group of unbelievably noble and innocent maidens, all of whom are believed to be reflections of Dickens' sister-in-law, Mary Hogarth. Mary came to live in Dickens' home soon after his mar-

riage, and a year or so later, when she was a fresh and charming seventeen-year-old, she went to the theatre with Charles and Catherine. She bade them goodnight at one o'clock and went to her room, apparently in perfect health. She had hardly closed her door when she was heard to make a "choking cry" and as they hurried to her, she fell unconscious, and remained so until she died next day in Dickens' arms. He had basked in her admiration during her life, and became almost morbidly obsessed by her death, reminding her mother and his family and friends on the anniversary of her death.

Mary Hogarth's cerebral vascular accident (for so it would seem to be) is a rarity at the age of seventeen, and the only additional information we have is Dickens' report that, "the doctors think her heart diseased". Her preceding excellent health would probably exclude embolism, from bacterial endocarditis or rheumatic mitral stenosis. A subarachnoid haemorrhage from a cortical cerebral vascular malformation is one possibility, but there would not be any grounds for suspecting "heart disease". Rupture of a solitary berry aneurysm of the circle of Willis is another possibility, although it classically occurs in a slightly older age group. However, multiple berry aneurysms in the same region are known to occur and rupture, in teenagers, as a result of moderate but symptomless hypertension caused by an unsuspected coarctation of the aorta. The coarctation could then, conceivably, be the source of signs which, if first detected during the period of coma, could have led to the suggestion that "her heart was diseased".

Mary Hogarth, or rather Dickens' devotion to her memory, is thought to be an important source of his "innocent maidens", but most of all as Little Nell. By modern standards Little Nell's demise is overlong and overly sentimental, but the death of a child would leave few readers untouched in the 1840's, when death in childhood was so common. If the reader today should find her passing unrealistic, it certainly was not then. The weekly episodes were eagerly awaited throughout Britain and America; passersby in the street would implore Dickens to let her live; and when the packet boat carrying the next instalment was warped alongside in New York, the pier was crowded with readers on tenterhooks, calling across the water, "Is Little Nell dead?"

There is also one of Dickens' few legal lapses in *The Old Curiosity Shop*. Daniel Quilp committed suicide intestate, yet Mrs. Quilp succeeds to his property. In fact, at that time suicide

was a *felo de se* and being a felon, Quilp's estate would have been forfeited to the Crown.

Barnaby Rudge, Dickens' next novel, is another literary milestone, for never before had the central character of a novel been mentally retarded. In a notable example of empathy with the mother of such a child, he wrote of Barnaby's mother:

> How often . . . had she sat beside him night and day, watching for the dawn of a mind that never came: how had she feared, and doubted and yet hoped, long after conviction forced itself upon her . . . how, in the midst of all, she had found some hope and comfort in his being unlike another child, and had gone on almost believing in the slow development of his mind until he grew a man, and then his childhood was complete—and lasting.

Dickens was also aware of the distinction between congenital and acquired mental retardation, as shown by Mrs. Bangham's grand-daughter in *Little Dorrit*: Maggy had "a bad fever" when she was ten years old, and "had never grown any older since", possibly the result of encephalitis or meningitis:

> She was eight and twenty, with large bones, large features, large feet and hands, large eyes and no hair. Her eyes were limpid and almost colourless; they seemed to be very little affected by light, and to stand unnaturally still,

as Lord Brain suggested (1956), perhaps the first observation of an Argyll-Robinson pupil.

Dickens wrote some eight "Christmas stories" of which only two, *A Christmas Carol* (1843) and *The Cricket on the Hearth* (1845) are well known today, and Tiny Tim is one of Dickens' best remembered children.

He tells us only that Tim "bore a little crutch and had his limbs supported by an iron frame", and he often travelled on his father's back, sparse information indeed on which to base a diagnosis. Poliomyelitis is paradoxically more prevalent in communities with high standards of municipal and domestic hygiene—and no one would suggest that this could be said of London in 1843. Tuberculosis of the hip is a far more likely diagnosis; "coxalgia", as it was known from its presenting symptom, carried with it a sentence of gross deformity and frequently death, as foreshadowed by the Ghost of Christmas Present—who conjured up two acolytes from his robes ("This boy is Ignorance. This girl is Want"). If, however, we carry optimism to the

extreme, as Dickens would doubtless prefer and as the remarkable change in the fortunes of the Cratchit family after Scrooge's conversion might suggest, we would hope that Tiny Tim "who did NOT die" had "pseudocoxalgia" or Perthes' disease, although that particular diagnosis was still seventy-seven years away in the future (Calvé, 1910).

It is typical of the impact of Dickens' characters on his readers that shortly after *A Christmas Carol* was published in 1843, The Tiny Tim Guild, a charitable trust, was formed to relieve the plight of crippled children in England.

In *Dombey and Son* Little Paul was, like Dickens, pale, wan and weakly at five years of age, but Paul improved sufficiently to go to Dr. Blimber's Academy for almost two years before he fell ill again, and his faithful Floy looked after him and wheeled his little carriage on the seashore at Brighton until he wasted away and died. These details, too, are somewhat meagre, but a remission of nearly two years, if such it was, would rule out leukaemia or neuroblastoma. Perhaps the key lies in the little carriage; could it have been the rare but well-documented juvenile form of rheumatoid arthritis that caused his chronic progressive inanition and final death?

The instalment containing Paul's death was written while Dickens was in Paris, and such was his involvement with the characters he created that he walked the city till morning, unable to escape from the emotions he had created.

If Scrooge is broad caricature, Dombey Senior is engraved in his miserable reality with an acid etch, the weight of his dynastic pride crushing the frail and sensitive little Paul. Yet even Dombey Senior is, in the end, overwhelmed when the magnanimous Florence returns to beg his forgiveness, instead of offering her own which he would have been as incapable of accepting as he was unaware that the faults were his.

Although Dickens was highly critical and suspicious of institutions in general, he was an admirer of two devoted to the care of children. On the 14th February 1852, the Hospital for Sick Children in Great Ormond Street first opened its doors, and Dickens was one of its early visitors. Three months later he published in *Household Words* an article entitled "Drooping Buds".

> No hospital for sick children? There was not one in all England until the other day . . . All the changes in the sickness of a child are commonly very rapid; so rapid, that in . . . an acute

illness how readily may be turned the balance upon which hand life and death . . .

Who that knows how sweet a part of home the children are—who that knows how ill our hearts can spare one child to Death, far less the dreadful and reproachful thought of one in three (i.e. 330 per 1,000 live births) can doubt the end of this sorely needed enterprise! Its way to the general sympathy and aid lies through one of the broadest doors into the general heart; and that heart is a great and tender one, and will receive it.

Dr. Charles West, the founder of the Hospital for Sick Children, Great Ormond Street, was one of Dickens several medical friends, most of them somewhat radical, and many of them unorthodox in their beliefs or practices. Dickens was especially interested in mesmerism, phrenology and "cold-water", "fresh air" cures. As modest tributes to the medical profession we have those two likeable, rascally, medical students, Bob Sawyer and Jack Hopkins in *Pickwick Papers*, and Mr. Allan Woodcourt, the devoted general practitioner in *Bleak House*.

Six years after its foundation a further appeal for funds for the Hospital for Sick Children was made, and Dickens promised to read *A Christmas Carol* at a public performance. This he did before more than 2,000 people on the 15th April 1858, raising two hundred guineas. In return for this assistance the hospital may have done some service for Dickens; the "reading" was so successful, financially too, that two weeks later he gave a second performance, the first on his own behalf, although he had on several occasions appeared in the cause of private charities. Another Dickens, the public performer, thus was born.

To literary critics, *Bleak House* is Dickens at his best, and in the opening passages, the physical fog of the setting is symbolic of the moral miasma which emanated from the proceedings of the Court of Chancery and envelopes to some degree virtually every character in the book, from Lady Dedlock to Joe the crossing sweeper.

Although written in 1853, the story is set in about 1827, the very worst period of the Court of Chancery. The report of the first Chancery Commission, published in 1850, had shown the disastrous nature of the Court, but no steps to improve its functions had been taken when Dickens himself successfully brought five Chancery actions for breach of copyright in 1844. His conclusion, as set down in his own words, was that it would be "better to

suffer a great wrong than to have recourse to the much greater wrong of the law . . .

> I know of nothing that could come, even of a successful action, which would be worth the mental trouble and disturbance it would cost.

Little wonder then, that the Court itself became the real source of evil in *Bleak House*, and the description of it is none the less condemnatory for the passage of nine years between the time he brought the action and its conclusion.

The reasons for the Court's evil reputation can be very briefly stated as follows:

1. The officers of the Court were completely inadequate in numbers, to cope with the case load.

2. The antiquated machinery was inefficient because of the appointment of underpaid, over-worked deputies, while the principals collected their fees and did nothing.

3. The practice of the Court was so technical, and so complex and slow, that the time taken to decide even uncontested cases amounted to denial of justice.

4. The Court was bound by ancient rules so that if it was prepared to act at all, it automatically assumed complete responsibility for all matters related to the action, for example, the sole and total control of an entire estate when only one doubtful point in a will was raised.

The case of Jarndyce v. Jarndyce, as Mr. Kenge of Kenge & Carboy claimed, was the greatest Chancery case known, but time does not permit an account of how a great estate came to be completely eroded by legal costs, involving

> . . . trickery, evasion, procrastination, spoliation and botheration, under false pretences of all sorts.

Just as tragic were the evil effects upon the people involved: Tom Jarndyce's tragic death, Miss Flite penniless and half demented, the ruin of Richard Carstone, the despair of Esther Sommerson, and the paralysed Sir Leicester Dedlock confined in his anachronistic world of Chesney Wold.

In *Bleak House* there is another of Dickens' firsts: the progenitor of an unending and still proliferating series of English detective novels, in the person of Inspector Bucket. It also marked the first display of Dickens' schoolboy hero-worship of the "New-Police" of Scotland Yard (founded in 1849). Dickens was con-

temptuous of the Bow Street Runners in their last sad days, and of their unsalaried role as semi-authorized bounty hunters. In *Oliver Twist,* the Bow Street Runners Blathers and Duffy, who were called to Chertsey after Bill Sikes' burglary, were coarse and impudent, and worse, they failed to solve the crime. In *Great Expectations* the Runners busy themselves around the house for nearly two weeks after the assault on Mrs. Gargery, and end by "more or less" suspecting her kindly and utterly innocent husband, Joe.

Inspector Bucket was closely modelled on Inspector Field with whom Dickens made some of his nightly rounds in the thieves' kitchens and stews of St. Giles and Shadwell. Bucket is tenacious but affable, a philosopher, yet shrewd and cunning with a wealth of understanding and practical knowledge of human frailty. He was also his own "undercover man" when required, and such a master of disguise that Sherlock Holmes may owe him some gratitude. Bucket's make-up and acting put him in the amateur theatrical class, with Dickens an enthusiastic classmate and a lifelong admirer of Scotland Yard.

May I diverge for a brief look at a sampling of the men of law in Dickens' gallery.

At the top of the list is Lord Lyndhurst, the Lord Chancellor briefly described in *Bleak House.* At the age of eighteen, Dickens had actually transcribed proceedings in his court, and his Lordship shines out as courtly, considerate, "with more ease and less ceremony" than most.

In Mr. Justice Stareleigh, who presided in the case of Bardell v. Pickwick, we are told that Dickens has immortalized the tones and mannerisms of Mr. Justice Gazelee, very deaf, very short and comically pompous, but with this exception, Dickens respected judges, or at least thought well enough of them not to write about them.

An attorney with the highest class of practice was the cold and sinister Mr. Tulkinghorn, who never conversed unless consulted professionally, and who had become rich on aristocratic marriage settlements and aristocratic wills, the master of the mysteries of the great houses.

In Mr. Perker we have a picture of Dickens' first employer, Ellis of Ellis & Blackmore, a sound solicitor and adviser on simple matters, but no match for those "clever scamps" Dodson & Fogg.

As an example of a country solicitor there is Mr Snitchey of Snitchey & Craggs in *The Battle of Life.* Mr. Snitchey has a real

eye for real estate, who saw a sunny landscape as "a smiling country . . ."

> Think of the laws appertaining to real property; to the bequest and devise . . . to the mortgage and redemption . . . to leasehold, freehold and copyhold estate; think of the complicated laws relating to title and proof of title . . . think of the infinite number of ingenious and interminable chancery suits, to which this pleasant prospect may give rise; . . . there is a green spot in the scheme about us"!

Similarly, Mr. Guppy, the cockney lawyer's clerk of Kenge & Carboy, is so steeped in legal terminology that his hesitant proposal of marriage to Esther Sommerson is epistolary in style.

> What follows is without prejudice, miss . . . Would you be so kind to allow me, as I might say, to file a declaration—to make an offer . . .

but for all that, a paragon of sincerity beside his colleagues Uriah Heep and Sally Brass.

For the slovenly Mrs. Jellyby and her friend Mrs. Pardiggle, two ladies in *Bleak House*, charity began a long, long way from home, in fact on the banks of the Borioboola-Gha River in Africa. These women lacked any concern for their own children, or for the desperately needy, figuratively on their doorstep, though according to Dickens, more tellingly on the steps of the "Society for the Propagation of the Gospel in Heathen Lands". To Dickens they represented a large element of his society which resisted or was indifferent to reform at home, and ineffectual or worse, abroad.

In *Bleak House* there is also a cautionary tale for the missionary-minded who were prepared to ignore the living conditions of London's poor. It was the crossing sweeper, Jo, always "jostled and moved on", who brought smallpox to Esther Sommerson; Jo, who was

> not a genuine foreign-grown savage; he is the ordinary home-made article. Dirty, ugly, disagreeable to all the senses, in body a common creature of the common streets.

His death of fever and wasting, probably due to tuberculosis, in a cubicle at the back of Trooper George's Shooting Gallery, evokes a passionate litany of accusation stemming from the current outbreaks of cholera, typhoid and smallpox.

> Dead? Dead, Your Majesty. Dead, my lords and gentlemen. Dead, Right Reverends and Wrong Reverends of every order. Dead, men and women born with Heavenly compassion in your hearts. And dying thus around us every day.

Just as *David Copperfield* is to a large extent autobiographical, so too, in a deeper sense, is *Great Expectations.* Pip, another version of the author, wrote:

> I struggled through the alphabet as if it had been a bramble-bush, getting considerably worried and scratched by every letter. After that I fell among thieves, the nine figures, who seemed every evening to do something new to disguise themselves and baffle recognition.

It seems then that Pip, and hence possibly Dickens, suffered to some extent from dyslexia, but it may have been no more than the usual transient difficulty, for we are all, to some degree, healed dyslexics.

Fanny Cleaver, who preferred to be known as Jenny Wren, is one of Dickens' less well known children. We find her in *Our Mutual Friend* as the quaint little "person of the house" who says she "can't get up because my back's bad and my legs are queer". She "frequently smells flowers, although this is not a flowery neighbourhood. I have seen very few flowers indeed in my life".

She is "a child—a dwarf—a girl—a something"; her intellect and her hands are unaffected, for she is "cutting and pasting scraps . . . very industriously". This is almost certainly the description of a particular girl, but one can only make a tentative diagnosis. A severe kyphosis, and an incomplete but disabling cord lesion of some duration affecting the lower limbs by the age of puberty: the diagnosis probably lies between a meningomyelocele, neurofibromatosis (possibly with a dumb-bell neurofibroma) and Pott's disease—tuberculosis of the spine with a gibbus and partial paraplegia. The last is statistically the most likely. However, if the smell of flowers is not just fanciful, a slowly growing meningioma-en-plaque on the lesser wing of the sphenoid could cause uncinate epilepsy. Such a meningioma is one of the associations of von Recklinghausen's disease. The multiple lesions on the face are usually absent until after puberty, and even Dickens would have missed café-au-lait patches on the trunk.

The psychological aspects of Jenny's disability are also carefully noted. Jenny hates children because "they are always skip-skip-skipping", while she cannot. She is deeply hurt by their

cruelty, the unmindful mocking of normal children, including imitations of her laboured gait.

Like Paul Dombey, Jenny has that oddly precocious turn of phrase and the social poise which children acquire when they are unable to play out of doors with their peers and spend their days, of necessity, in the company of adults.

While childhood should be the happiest and most desirable time of life, it is not for most of Dickens' children.

With few exceptions (the Kenwigs in *Nicholas Nickelby*, the Toodles in *Dombey and Son*, the Cratchit family, and the Totterbys in *The Haunted Man*) happy family life is rare. Most of Dickens' children are lonely, orphaned, illegitimate, maltreated or tyrannized, and subjected to cruelty, injustice, hunger, and inevitably, ill-health; the majority live in callous institutions, in miserable poverty, or rotting slums.

An astute observer and a professional reporter, Dickens had a journalist's eye and a trained memory for the graphic and memorable detail, but these only partly account for his success in creating or recreating people and places. In his very earliest work he showed a social consciousness which eventually extended to every corner of his society. His trenchant criticisms were made palatable, even when the details were sordid, by the ludicrous humour of his characters or their circumstances.

His originality lay not in novel social or moral themes, but in making maltreated children, street sweepers, pickpockets and bemused litigants, believable human beings who demanded his readers' sympathy.

As a social pathologist, Dickens identified the cheerless greed of the Dombeys and Gradgrinds, the cynical indifference of the upper class Steerforths and the impractical evangelism of Mrs. Jellyby, as signs of his society's illness, and the ignorant poor and oppressed as its tissues.

The cure for social ills, and how to achieve it, was another matter, and some of Dickens' sterner critics have chided him for not finding the remedies, but this is undeserved, for it was not for want of searching; the problems were many, complex, and difficult to solve.

The *Westminster Review* criticized Dickens' impractical benevolence: "always charity, never justice . . . the open purse, never the equal measure". This is perhaps a valid criticism of some of Dickens' characters, for example the irresistably oversolicitous Cheeryble brothers, but not of Dickens himself. His

concern for education, improved sanitation, better public health measures, and broad legislative reforms, are sufficient proof that Dickens was realistic in his attack on the causes, not merely advocating the alleviation of society's symptoms.

The eminent legal historian Sir William Holdsworth placed Dickens in a distinguished group of four—the others are Fortescue, Roger North and Romilly—who have left us a picture of how the law actually operated in their day, and how it affected the lives of the people involved, information which could only be surmised from a study of statutes, decided cases and text books of earlier times.

Sir James Fitzjames Stephens said that Dickens' "notions of the law . . . are precisely those of an attorney's clerk", and this is probably fair too, because he was chiefly concerned with the machinery of the law, with the men who enforced it, and with the effects of the outcome on men and women of all levels of society, effects which he saw in action around him every day. His accounts of people in the grasp of poverty, ill health, or the intricacies of the law, come from a man with extraordinary powers of observation and with first hand information.

His lifetime covered a period which is remarkable for the extent of social and legal reform. Law and life as they existed when he was born are those of another age; the system of law in operation when he died is recognizable as the basis of ours today, but some of the social evils he deplored continued, well into this century. He planted the seeds of radicalism in the warm snuggeries of the complacent middle class. There they were nourished by the sentimentality which Hesketh Pearson says was the obverse of the callousness of the Victorian era. Certainly his sentimental style could literally bring tears, however transient, to even the most jaundiced eye.

Feelings, not figures, were Dickens' weapons, and this makes it difficult to assess his particular contributions to the reforms which were subsequently effected, many of them after unconscionable delays. His contributions were, probably, in changing people's attitudes, or at least in preparing them to accept change, leaving it to others to plan and contrive to alter the facts by appropriate legislation.

In the end it matters little how much of his picture of nineteenth century England was changed by the influence of his own works; what is important is that the picture is still there, in all its vivid detail, for those who wish to read and understand.

Metropolitan Police Act 1829
Factory Act 1833
Prison Acts 1823, 1835
Mines Acts 1842, 1845
Juvenile Offenders Act 1847
The Public Health Act 1848
Ten Hours Act 1848
Smoke Nuisance Act 1852
Repeal of the Window Tax 1852
Metropolitan Board of Works Act 1855
Thames Conservancy Act 1857
Offences Against the Person 1861
Abolition of Imprisonment for Debt 1861
End of Transportation 1867
End of Public Executions 1868

DR. I. C. F. SPRY: We have just heard a fascinating account of Dickens' attitude to law and medicine, as seen from an analysis of his novels. Dickens' novels, although very enjoyable to read, are not perhaps altogether credible works. Usually his personae, his characters, are not merely colourful, they are unreal. He portrays not people, but caricatures. Yet perhaps it is precisely this fact that provides the attraction that his novels have always had. And perhaps also it explains why they, or some of them, have always been enjoyed by the young. The young generally have weak powers of analysis of character, and especially of the characters of adults. A sophisticated cheat will not be easily understood by them; but the caricature of a cheat is appreciated and, indeed, produces a forceful and long-lasting impression. Perhaps also it will be found to produce a basis on which it will later be possible to recognize more subtle forms of dishonesty.

All this and more may properly be said in favour of Dickens, so far as questions of characterization are concerned. And yet a consideration of many of his novels—and particularly of his last few novels—such as *Our Mutual Friend* and *The Mystery of Edwin Drood*—may perhaps lead to dissatisfaction on the part of a sensitive reader. It is not merely that the succession of caricatures becomes tiresome. It is rather that the total impression

that is finally made is sordid. But it is striking nonetheless, and in so far as Dickens the man is reflected, the reflection must indeed present many problems to those who are interested in irregularities or peculiarities of character and their causes.

Of the social effects of Dickens' work, and in particular of the passing of laws to correct what must be seen now to have been injustices, a great deal has been said and written. In *Bleak House*, which contains a remarkable incident, not fully explained this evening, where a person died of spontaneous combustion, Dickens turned his attention to the Court of Chancery, the court of the Lord Chancellor, the court where the law of equity was chiefly administered. He described the course of a proceeding, *Jarndyce v. Jarndyce*, which was before the court for many years, and described some of the effects of this delay upon a number of people. In the early part of the nineteenth century extreme delay was unfortunately, not uncommon in Chancery proceedings. Thus it might on rare occasions be found that a suit had not been determined even twenty years after it had been commenced. The years would be absorbed in many ways, through adjournments, for example, or in the determination of interlocutory or subsidiary matters. Generally evidence in courts of equity was taken in writing, and if a dispute arose which was appropriate to be determined on the giving of *viva voce* evidence it was necessary that that dispute should be determined by the trial of an issue before courts of law; and meanwhile proceedings in Chancery would ordinarily be adjourned. These, then, and other such procedural difficulties were largely responsible for the delays that took place. But an additional cause of these delays was found in the personality of Lord Eldon, who yet was certainly one of the most extraordinary and distinguished Lord Chancellors of whom we know.

John Scott, as Lord Eldon was born, was a Fellow of University College, Oxford, in 1772, when he eloped with Elizabeth Surtees and married her in Scotland. He thereupon commenced to study law. He was very successful in practice, and in 1793 he became Attorney-General and in 1799 Chief Justice of the Court of Common Pleas and, finally in 1801, Lord Chancellor. Apart from an intermission of one year he remained Lord Chancellor until 1827.

Lord Eldon had a thorough knowledge of the law of equity and had, moreover, a highly developed analytical mind. Thus it was said by one of his successors, Lord Lyndhurst, in 1829, that

"No man sitting on the same bench which he so long filled and considering the nature of his decisions, can refrain from admiring his profound sagacity, his great erudition, and his extraordinary attainments. It has often been said in the profession, that no one ever doubted his decrees, except the noble and learned Lord himself". And therein, as indicated in those last few words, lay the difficulty. No one could deny the learning and accuracy of his judgments, when they were delivered, for they proceeded from careful thought and a knowledge of equitable principles which, perhaps, has never been excelled. But his anxiety to reach a correct conclusion and not to overlook any matter of law or fact often led him to delay giving judgment. He would retain all the papers in a case in his possession and would refer to them again and again, and, on occasions, he would cause matters to be reargued before him, and then delay again. I shall quote here a passage from the diary of Romilly, written in 1811:

> What has passed today in the Court of Chancery affords a strong exemplification of my assertion of yesterday, that the Lord Chancellor was over anxious to decide properly. He has for a long time had a great number of cases which have been argued before him, waiting for judgment to be pronounced—some original causes, and many more motions and petitions. The distress which is occasioned to many parties by this is hardly to be conceived. On this day three cases were, by his order, put into his paper, for him to deliver his judgment. Of two of them he merely directed that they should stand over till the following Monday, without giving any reason. The third was a case of *Foster v. Bellamy*. It was a bill filed by a pauper to redeem a very old mortgage, the plaintiff alleging that he was heir-at-law to the mortgagor. The defendant disputed the fact of his being heir, and the plaintiff had gone into evidence to prove his title; but the evidence was so unsatisfactory, that all that I, who was counsel for the plantiff, could do, was to ask that an issue might be directed to try the fact of his being heir. Of this case, which had been argued before the long vacation, the Lord Chancellor said today, that he had read all the evidence over three several times, and that he did not think that there was sufficient proved to warrant his directing an issue, but that, as it was a case of a pauper, he would go over all the evidence once more; and for that purpose he directed the cause to stand over generally, without appointing any time for his final determination. He thus condemns all the other impatient suitors to continue waiting in anxious expectation

> of having their causes decided till he shall have made himself quite sure, by another perusal of the depositions, that he has not already been three times mistaken.

Indeed, Romilly said of the delays in the Court of Chancery that one cure would be for the Chancellor to stay away from his court for a couple of terms, because then his place would be supplied by Grant, the Master of the Rolls, who had shown, on an occasion when Lord Eldon had been absent through illness, how quickly he could clear off the arrears.

It is perhaps proper here to quote part of an answer that Lord Eldon once made to those who criticized his delay. He referred to "the infinite importance of considering, again and again, every case, till you are sure that the minutest circumstances does not escape attention", and added that "the want of due regard to such a circumstance may work the greatest possible injustice". He also feared that the business of the court was "so much increased in some periods of my Chancellorship, that I never could be confident that counsel had fully informed me of the facts, or of the law of many of the cases".

Politically Lord Eldon was very conservative. He opposed legislation for the removal of disabilities of Protestant Dissenters and Roman Catholics, and, of course, he opposed the Reform Bill to the end. But his personal qualities included tact and courtesy, and also kindness and generosity, and he made substantial gifts to various charities. His delicacy towards, and depth of affection for, his wife is very touching. It is clear that he was conscientious to an extreme; indeed, as has been seen even his dilatoriness was due to an anxious desire to perform his duties to the greatest of his ability.

Lord Eldon left what was referred to as his Anecdote Book which contains accounts of many incidents which are of interest so far as they reflect the life—and particularly the political and legal life—of his time. Thus at one place it is stated:

> At an Assizes at Lancaster, we found Dr. Johnson's friend, Jemmy Boswell, lying upon the pavement, inebriated. We subscribed at supper a guinea for him, and half a crown for his clerk, and sent him, when he waked next morning, a brief with instructions to move what we denominated the Writ of *"Quare adhesit pavimento"* with observations, duly calculated to induce him to think that it required great learning to explain the necessity of granting it to the Judge, before whom he was to move. Boswell sent all round the town to attornies

> for books, that might enable him to distinguish himself, but in vain. He moved, however, for the Writ, making the best use he could of the observations in the brief. The judge was perfectly astonished, and the audience amazed—The Judge said I never heard of such a Writ—what can it be, that adheres *pavimento*?—Are any of you gentlemen at the Bar able to explain this? The Bar laughed—At last one of them said, My Lord, Mr. Boswell last night *adhesit pavimento*. There was no moving him for sometime: At last he was carried to bed, and he has been dreaming about himself and the pavement.

Then if we may pass to Lord Thurlow, who had been one of Lord Eldon's predecessors as Lord Chancellor, who had once, doubtless flippantly, suggested to Lord Eldon that a Wooden Machine might be invented to draw Bills and Answers in Chancery, we note that in his Anecdote Book Lord Eldon related of Lord Thurlow, an incident the like of which is not altogether unheard of today:

> Many years after this, and after he had ceased to be Chancellor, and I was Attorney-General, a Bill was filed against his friend Mr. Macnamara the conveyancer, and Lord Thurlow advised him to have the answer sent to me to be perused and settled—The Solicitor brought me the answer—I read it—It was so wretchedly ill composed and drawn that I told him that not a word of it would do—that I had not time to draw an answer from beginning to end—that he must get some gentlemen to draw the answer from beginning to end, who understood pleading, and then bring it to me to peruse. I went down to the House of Lords the same day to plead a cause at the Bar. Lord Thurlow was in the House, and came to the Bar to me, and said, so I understand you think my friend Mac's answer won't do. Do, says I, my Lord, it won't do at all. It must have been drawn by that Wooden Machine, which you formerly told me might be invented to draw Bills and Answers—That's very unlucky, and very impudent too, says Thurlow, if you had known the fact that I drew the answer myself.