

JUDGE : Gentlemen of the jury : This is—er—an action for breach of promise of marriage. You may not be aware of that fact, so it becomes my duty to apprise you of it.

The word *breach* is a legal phrase, which is equivalent to break, violate, fracture, dis sever, smash or burst up. The law presumes that when a man makes a promise of marriage he will keep it ; that having popped the question and received yes for his answer, he will go on and take the woman—and the consequences. That he will marry, and live happy ever after—if he can. The law does not wink at any crawfishing on his part.

Now, it is for you, gentlemen, to decide the question of fact in the case before you ; and to do so entirely on the evidence. You must not contemplate the charms of Mrs. Bardell, and reason within yourselves that she was in every way an excellent catch for such a bald-pated old boy as the defendant. You must not consider either her eligibility or his baldheadedness. You must be guided by the evidence.

I will only occupy a few moments of your time upon the evidence.

In support of the plaintiff's case it has been brought out that Pickwick was kind to her little boy, and gave him pennies and marbles, and on one occasion asked him if he would not like to have another father. This no doubt seems significant, but against it you must weigh the consideration that it is also in evidence that the defendant was a man of benevolent instincts ; and that, at this particular time, Mrs. Bardell was believed to entertain a fondness for the baker. May it not have been, gentlemen, that the reference to "another father" was to the man of dough ? It is your duty as jurymen to mix these considerations as yeast in the batter of your thought and set it to rise in your brain-pan.

But, of course, gentlemen, the great question is *did* Pickwick promise to marry the plaintiff ?

Mrs. Cluppins gives evidence on this point and gives it I may say, very positively. She says she " 'eard 'im." I quote her exact words, as I took them down, she " 'eard 'im say as the person'e loved 'ad a good knowledge of the world," etc. This would seem pretty direct, but immediately afterwards she admitted that the significant word *love* had not been used, but the much less suggestive phrase was used—"the person I 'ave in my eye." This, of course, may have referred to some other person altogether, possibly to Sam Weller ; Pickwick may have used the expression as a familiar figure of speech, as I would do if I should say such evidence is "all in my eye."