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The Triumph of Vice
and Other Stories

My Maiden Brief

LATE ON A CERTAIN MAY MORNING, as I was sitting at a modest breakfast in my “residence chambers”, Pump Court, Temple, my attention was claimed by a single knock at an outer door, common to the chambers of Felix Polter, and of myself, Horace Penditton, both barristers-at-law of the Inner Temple.

The outer door was not the only article common to Polter and myself. We also shared what Polter (who wrote farces) was pleased to term a “property” clerk, who did nothing at all, and a “practicable” laundress, who did everything. There existed also a communion of interest in teacups, razors, gridirons, candlesticks, etc.; for although neither of us was particularly well supplied with the necessaries of domestic life, each happened to possess the very articles in which the other was deficient. So we got on uncommonly well together, each regarding his friend in the light of an indispensable other self. We had both embraced the “higher walk” of the legal profession, and were patiently waiting for the legal profession to embrace us.

The single knock raised some well-founded apprehensions in both our minds.

“Walker!” said I to the property clerk.

“Sir!”

“If that knock is for me, I’m out, you know.”

“Of course, sir!”

“And Walker!” cried Polter.

“Sir!”

“If it’s for me, I’m not at home!”

Polter always rejoiced if he could manage to make the conversation partake of a Maddisonian Mortonic character.*

Mr Walker opened the door. “Mr Penditton’s a-breakfasting with the Master of the Rolls, if it’s him you want; and if it isn’t, Mr Polter’s with the Attorney General.”

“You don’t say so!” remarked the visitor. “Then p’raps you’ll give this to Mr Penditton, as soon as the Master can make up his mind to part with him.”

And, so saying, he handed to Walker a lovely parcel of brief paper, tied up neatly with a piece of red tape, and minuted:

Central Criminal Court, May Sessions, 1860. The Queen on the prosecution of Ann Back v Elizabeth Briggs. Brief for the prisoner. Mr Penditton, one guinea. Poddle and Shaddery, Hans Place.

So it had come at last! Only an Old Bailey brief, it is true, but still a brief. We scarcely knew what to make of it. Polter looked at me, and I looked at Polter, and then we both looked at the brief.

It turned out to be a charge against Elizabeth Briggs, widow, of picking pockets in an omnibus. It appeared from my “instructions” that my client was an elderly lady, and religious. On the 2nd April the last she entered an Islington omnibus, with the view of attending a tea and prayer meeting in Bell Court, Islington. A woman in the omnibus missed her purse, and accused Mrs Briggs, who sat on her right, of having stolen it. The poor soul, speechless with horror at the charge, was dragged out of the

omnibus and, as the purse was found in a pocket on the left-hand side of her dress, she was given into custody. As it was stated by the police that she had been “in trouble” before, the infatuated magistrate who examined her committed her for trial.

“There, my boy, your fortune’s made!” said Polter.

“But I don’t see the use of my taking it,” said I. “There’s nothing to be said for her.”

“Not take it? Won’t you, though? I’ll see about that. You *shall* take it, and you shall get her off too! Highly respectable old lady – attentive member of well-known congregation – parson to speak to her character, no doubt. As honest as you are!”

“But the purse was found upon her!”

“Well, sir, and what of that? Poor woman left-handed, and pocket in left of dress. Robbed woman right-handed, and pocket in right of dress. Poor woman sat on right of robbed woman. Robbed woman, replacing her purse, slipped it accidentally into poor woman’s pocket. Ample folds of dress, you know – crinolines overlapping, and all that. Splendid defence for you!”

“Well, but she’s an old hand, it seems. The police know her.”

“Police always do. ‘Always know everybody’ – police maxim. Swear anything, they will.”

Polter really seemed so sanguine about it that I began to look the case hopefully, and to think that something might be done with it. He talked to me to such effect that he not only convinced me that there was a good deal to be said in Mrs Briggs’s favour, but I actually began to look upon her as an innocent victim of circumstantial evidence, and determined that no effort should be wanting on my part

to procure her release from a degrading but unmerited confinement.

Of the firm of Poddle and Shaddery I knew nothing whatever, and how they came to entrust Mrs Briggs's case to me I can form no conception. As we (for Polter took so deep a personal interest in the success of Mrs Briggs's case that he completely identified himself, in my mind, with her fallen fortunes) resolved to go to work in a thoroughly businesslike manner, we determined to commence operations by searching for the firm of Poddle and Shaddery in the *Law List*. To our dismay, the *Law List* of that year had no record of Poddle, neither did Shaddery find a place in its pages. This was serious, and Polter did not improve matters by suddenly recollecting that he had once heard an old QC say that, as a rule, the farther west of Temple Bar, the shadier the attorney; so that, assuming Polter's friend to have come to a correct conclusion on this point, a firm dating officially from Hans Place, and whose name did not appear in Mr Dalbiac's *Law List*, was a legitimate object of suspicion. But Polter, who took a hopeful view of anything which he thought might lead to good farce "situations", and who probably imagined that my first appearance on any stage as counsel for the defence was likely to be rich in suggestions, remarked that they might possibly have been certificated since the publication of the last *Law List*; and as for the dictum about Temple Bar, why, the case of Poddle and Shaddery might be one of those very exceptions whose existence is necessary to the proof of every general rule. So Polter and I determined to treat the firm in a spirit of charity, and accept their brief.

As the May sessions of Oyer and Terminer did not commence until the 8th, I had four clear days in which to study my brief and prepare my defence. Besides, there was a murder case, and a desperate burglary or two, which would probably be taken first, so that it was unlikely that the case of the poor soul whose cause I had espoused would be tried before the 12th. So I had plenty of time to master what Polter and I agreed was one of the most painful cases of circumstantial evidence ever submitted to a British jury; and I really believe that, by the first day of the May sessions, I was intimately acquainted with the details of every case of pocket-picking reported in *Cox's Criminal Cases* and *Buckler's Shorthand Reports*.

On the night of the 11th I asked Bodger of Brazenose, Norton of Gray's Inn, Cadbury of the Lancers and three or four other men, college chums principally, to drop in at Pump Court, and hear a rehearsal of my speech for the defence in the forthcoming cause célèbre of the Queen on the prosecution of Ann Back v Elizabeth Briggs. At nine o'clock they began to appear, and by ten all were assembled. Pipes and strong waters were produced, and Norton of Gray's was forthwith raised to the Bench by the style and dignity of Sir Joseph Norton, one of the barons of Her Majesty's Court of Exchequer; Cadbury, Bodger and another represented the jury; Wilkinson of Lincoln's Inn was counsel for the prosecution, Polter was clerk of arraigns and Walker, my clerk, was the prosecutrix.

Everything went satisfactorily: Wilkinson broke down in his speech for the prosecution; his witness prevaricated and contradicted himself in a preposterous manner; and

my speech for the defence was voted to be one of the most masterly specimens of forensic ingenuity that had ever come before the notice of the court; and the consequence was that the prisoner (inadequately represented by a statuette of the Greek Slave*) was discharged, and Norton (who would have looked more like a Baron of the Exchequer if he had looked less like a tipsy churchwarden) remarked that she left the court without a stain upon her character.

The court then adjourned for refreshment, and the conversation took a general turn, after canvassing the respective merits of "May it please your ludship", and "May it please you, my lud", as an introduction to a counsel's speech – a discussion which terminated in favour of the latter form, as being a trifle more independent in its character. I remember proposing that the health of Elizabeth Briggs should be drunk in a solemn and respectful bumper, and as the evening wore on, I am afraid I became exceedingly indignant with Cadbury, because he had taken the liberty of holding up to public ridicule an imaginary (and highly undignified) *carte-de-visite* of my unfortunate client.

The 12th May, big with the fate of Peditton and of Briggs, dawned in the usual manner. At ten o'clock, Polter and I drove up in wigs and gowns to the Old Bailey, as well because we kept those imposing garments at our chambers, not having any use for them elsewhere, as to impress passers-by, and the loungers below the court, with a conviction that we were not merely Old Bailey counsel, but had come down from our usual sphere of action at Westminster, to conduct a case of more than ordinary complication. Impressed with a sense of the propriety of presenting an accurate professional appearance, I had

taken remarkable pains with my toilet. I had the previous morning shaved off a flourishing moustache, and sent Walker out for half a dozen serious collars, as substitutes for the unprofessional “lay-downs” I usually wore. I was dressed in a correct evening suit, and wore a pair of thin gold spectacles, and Polter remarked that I looked the sucking bencher to the life. Polter, whose interest in the accuracy of my “get-up” was almost fatherly, had totally neglected his own, and he made his appearance in the raggedest of beards and moustaches under his wig, and the sloppiest of cheap drab lounging coats under his gown.

I modestly took my place in the back row of the seats allotted to the bar; Polter took his in the very front, in order to have an opportunity, at the close of the case, of telling the leading counsel, in the hearing of the attorneys, the name and address of the young and rising barrister who had just electrified the court. In various parts of the building I detected Cadbury, Wilkinson and others, who had represented judge, jury and counsel on the previous evening. They had been instructed by Polter (who had had some experience in “packing” a house) to distribute themselves about the court and, at the termination of the speech for the defence, to give vent to their feelings in that applause which is always so quickly suppressed by the officers of a court of justice. I was rather annoyed at this, as I did not consider it altogether legitimate, and my annoyance was immensely increased when I found that my three elderly maiden aunts, to whom I had been foolish enough to confide the fact of my having to appear on the 12th, were seated in state in that portion of the court allotted to friends of the bench and bar, and busied themselves by informing everybody within whispershot

that I was to defend Elizabeth Briggs, and that this was my first brief. It was some little consolation, however, to find that the unceremonious manner in which the facts of the cases that preceded mine were explained and commented upon by judge, jury and counsel caused those ladies great uneasiness, and indeed compelled them, on one or two occasions, to beat an unceremonious retreat.

At length, the clerk of arraigns called the case of Briggs, and with my heart in my mouth I began to try to recollect the opening words of my speech for the defence, but I was interrupted in that hopeless task by the appearance of Elizabeth in the dock.

She was a pale, elderly widow, rather buxom and remarkably neatly dressed, in slightly rusty mourning. Her hair was arranged in two sausage curls, one on each side of her head, and looped in two festoons over the forehead. She appeared to feel her position acutely, and although she did not weep, her red eyes showed evident traces of recent tears. She grasped the edge of the dock and rocked backwards and forwards, accompanying the motion with a low moaning sound that was extremely touching. Polter looked back at me with an expression which plainly said, "If ever an innocent woman appeared in that dock, that woman is Elizabeth Briggs!"

The clerk of arraigns now proceeded to charge the jury. "Gentlemen of the jury, the prisoner at the bar, Elizabeth Briggs, is indicted for that she did, on the 2nd April last, steal from the person of Ann Back a purse containing ten shillings and fourpence, the moneys of the said Ann Back. There is another count to the indictment, charging her with having received the same, knowing it to have been stolen. To both of these counts the prisoner has pleaded

‘not guilty’, and it is your charge to try whether she is guilty or not guilty.” Then to the bar: “Who appears in this case?”

Nobody replying in behalf of the crown, I rose and remarked that I appeared for the defence.

A counsel here said that he believed the brief for the prosecution was entrusted to Mr Porter, but that that gentleman was engaged at the Middlesex Sessions, in a case which was likely to occupy several hours, and that he (Mr Porter) did not expect that Briggs’s case would come on that day.

A consultation then took place between the judge and the clerk of arraigns. At its termination, the latter functionary said, “Who is the junior counsel present?”

To my horror, up jumped Polter, and said, “I think it’s very likely that I am the junior counsel in court. My name is Polter, and I was only called last term!”

A titter ran through the crowd, but Polter, whose least fault was bashfulness, only smiled benignly at those around him.

Another whispering between judge and clerk. At its conclusion, the clerk handed a bundle of papers to Polter, saying, at the same time:

“Mr Polter, His Lordship wishes you to conduct the prosecution.”

“Certainly,” said Polter, and he opened the papers, glanced at them and rose to address the court.

He began by requesting that the jury would take into consideration the fact that he had only that moment been placed in possession of the brief for the prosecution of the prisoner at the bar, who appeared, from what he could gather from a glance at his instructions, to have been guilty of as heartless a robbery as ever disgraced humanity. He would endeavour to do his duty, but he feared that, at so

short a notice, he should scarcely be able to do justice to the brief with which he had been most unexpectedly entrusted. He then went on to state the case in a masterly manner, appearing to gather the facts, with which, of course, he was perfectly intimate, from the papers in his hand. He commented on the growing frequency of omnibus robberies, and then went on to say:

“Gentlemen, I am at no loss to anticipate the defence on which my learned friend will base his hope of inducing you to acquit that wretched woman. I don’t know whether it has ever been your misfortune to try criminal cases before, but if it has, you will be able to anticipate his defence as certainly as I can. He will probably tell you, because the purse was found in the left-hand pocket of that miserable woman’s dress, that she is left-handed, and on that account wears her pocket on the left side, and he will then, if I am not very much mistaken, ask the prosecutrix if she is not right-handed, and, lastly, he will ask you to believe that the prosecutrix, sitting on the prisoner’s left, slipped the purse accidentally into the prisoner’s pocket. But, gentlemen, I need not remind you that the facts of these omnibus robberies are always identical. The prisoner always *is* left-handed, the prosecutrix always *is* right-handed, and the prosecutrix always *does* slip the purse accidentally into the prisoner’s pocket, instead of her own. My lord will tell you that this is so, and you will know how much faith to place upon such a defence, should my friend think proper to set it up.” He ended by entreating the jury to give the case their attentive consideration, and stated that he relied confidently on an immediate verdict of “guilty”. He then sat down, saying to the usher, “Call Ann Back.”

Ann Back, who was in court, shuffled up into the witness box and was duly sworn. Polter then drew out her evidence bit by bit, helping her with leading questions of the most flagrant description. I knew that I ought not to allow this, but I was too horrified at the turn matters had taken to interfere. At the conclusion of the examination in chief Polter sat down triumphantly, and I rose to cross-examine.

"You are right-handed, Mrs Back?" (*Laughter.*)

"Oh, yes, sir!"

"Very good. I've nothing else to ask you."

So Mrs Back stood down, and the omnibus conductor took her place. His evidence was not material, and I declined to cross-examine. The policeman who had charge of the case followed the conductor, and his evidence was to the effect that the purse was found in her pocket.

I felt that this witness ought to be cross-examined, but not having anything ready, I allowed him to stand down. A question, I am sorry to say, then occurred to me, and I requested His Lordship to allow the witness to be recalled.

"You say you found the purse in her pocket, my man?"

"Yes, sir."

"Did you find anything else?"

"Yes, sir."

"What?"

"Two other purses, a watch with the bow broken, three handkerchiefs, two silver pencil cases and a hymn book."
(*Roars of laughter.*)

"You may stand down."

"That is the case, my lord," said Polter.

It was now my turn to address the court. What could I say? I believe I observed that, undeterred by my learned

friend's opening speech, I did intend to set up the defence he had anticipated. I set it up, but I don't think it did much good. The jury, who were perfectly well aware that this was Polter's first case, had no idea but that I was an old hand at it, and no doubt thought me an uncommonly clumsy one. They had made every allowance for Polter, who needed nothing of the kind, and they made none at all for me, who needed all they had at their disposal. I soon relinquished my original line of defence, and endeavoured to influence the jury by vehement assertions of my personal conviction of the prisoner's innocence. I warmed with my subject, for Polter had not anticipated me here, and I believe I grew really eloquent. I think I staked my professional reputation on her innocence, and I sat down expressing my confidence in a verdict that would restore the unfortunate lady to a circle of private friends, several of whom were waiting in the court below to testify to her excellent character.

"Call witnesses to Mrs Briggs's character," said I.

"Witnesses to the character of Briggs!" shouted the crier.

The cry was repeated three or four times outside the court, but there was no response.

"No witnesses to Briggs's character here, my lord!" said the crier.

Of course I knew this very well, but it sounded respectable to expect them.

"Dear, dear," said I, "this is really most unfortunate. They must have mistaken the day."

"Shouldn't wonder," observed Polter, rather drily.

I was not altogether sorry that I had no witnesses to adduce, as I am afraid that they would scarcely have borne the test of Polter's cross-examination. Besides, if I had examined witnesses for the defence, Polter would have been

entitled to a reply, of which privilege he would, I was sure, avail himself.

Mr Baron Bounderby proceeded to sum up, grossly against the prisoner, as I then thought, but, as I have since had reason to believe, most impartially. He went carefully over the evidence, and told the jury that if they believed the witnesses for the prosecution they should find the prisoner guilty, and if they did not – why, they should acquit her. The jury were then directed by the crier to “consider their verdict”, which they couldn’t possibly have done, for they immediately returned a verdict of “guilty”. The prisoner not having anything to say in arrest of judgment, the learned judge proceeded to pronounce sentence – enquiring, first of all, whether anything was known about her.

A policeman stepped forward, and stated that she had been twice convicted at this court of felony, and once at the Middlesex Sessions.

Mr Baron Bounderby, addressing the prisoner, told her that she had been most properly convicted, on the clearest possible evidence; that she was an accomplished thief, and a most dangerous one; and that the sentence of the court was that she be imprisoned and kept to hard labour for the space of eighteen calendar months.

No sooner had the learned judge pronounced this sentence than the poor soul stooped down and, taking off a heavy boot, flung it at my head as a reward for my eloquence on her behalf; accompanying the assault with a torrent of invective against my abilities as a counsel and my line of defence. The language in which her oration was couched was perfectly shocking. The boot missed me, but hit a reporter on the head, and to this fact I am disposed to

attribute the unfavourable light in which my speech for the defence was placed in two or three of the leading daily papers next morning. I hurried out of court as quickly as I could, and, hailing a hansom, I dashed back to chambers, pitched my wig at a bust of Lord Brougham, bowled over Mrs Briggs's prototype with my gown, packed up and started that evening for the west coast of Cornwall. Polter, on the other hand, remained in town and got plenty of business in that and the ensuing session, and afterwards on circuit. He is now a flourishing Old Bailey counsel, while I am as briefless as ever.

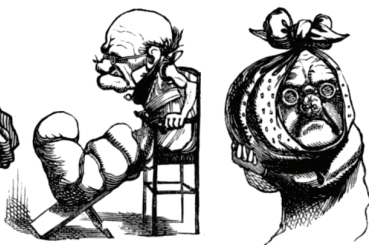
The History of the
GENTLEMAN
Who was Born at an
ADVANCED AGE



He is born at an advanced age.



He cuts his last tooth –
joy of parents.



After a course of the
usual infantine maladies,



He goes to school. His indulgent parents send him a hamper.



He falls in love with Ethel at a juvenile party.



After a two years' courtship, he proposes. She says, "Not until he gets into jackets."



He gets into jackets.



He determines to grow younger as fast as possible.



He grows younger Younger Younger Younger Andyounger.



Ethel, in the meantime,
has developed into this, and

They are married.



He is now young enough to
think of choosing a profession.



He chooses the army.



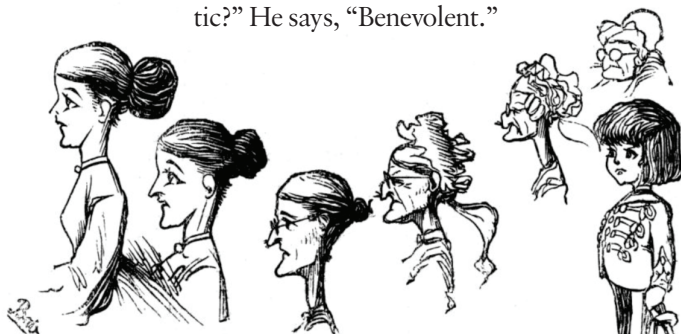
He grows younger still. Indignation
of his colonel. Extract from RO:
“Lieutenant Oldboy will please to be
much older by next parade.”

Ha! An idea!
False whiskers!



But it won't do! So he goes to a theatrical
 perruquier to be made up "old". Perruquier asks,
 "Benevolent or characteris-
 tic?" He says, "Benevolent."

He is made up
 "Benevolent", but
 with only partial
 success.



In the mean-
 time, Ethel
 has grown

Older Older Older

Older and older,
 and Oldboy
 younger



Younger and younger.

He finally retires from the service, full of honours and of years.

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