

# The Carolina Watchman.

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## HOW MANY FINS HAS A COD?

OR, FORTY YEARS AGO.

For several days past, nothing else has been talked at Lillium but the approaching term of the Supreme Court. At all times, this is a great event for a quiet village, where there is but little to diversify the monotony of life; but the arrival of the Judge and the circuit lawyers is now looked forward to with great interest; as there is to be a man tried for murder, who, in all probability, will be convicted and executed. I have much curiosity to see the mode of administering justice in this country, because the state of the courts is a very good criterion, by which to estimate the state of the province. The Bench and the Bar usually furnish fair samples of the talent and education of the gentry—the grand jury of the class immediately below them; and the petty jury of yeomanry and tradesmen. In a court-house, they are all to be seen in juxtaposition, and a stranger is enabled to compare them one with the other, with the condition of the people and similar institutions in different countries.

The Judge informs me that the first courts established in this province were County Courts, the Judges of which were not professional men, but selected from the magistrates of the district, who rendered their services gratuitously. The efficiency of these courts, therefore, depended wholly upon the character and attainments of the Justices of the Peace in the neighborhood. In some instances, they were conducted with much decorum, and not without ability; in others they presented scenes of great confusion and disorder; but, in all cases, they were the centre of attraction to the whole country. The vicinity of the court-house was a sort of fair, where people assembled to transact business, or to amuse themselves. Horse-racing, wrestling, boxing, and other games of various kinds, occupied the noisy and not very sober crowd. The temperance of modern times, the substitution of professional men as judges, and an entire change of habits among the people, have no less altered the character of the scenes within than without the walls of these halls of justice. In no respect is the improvement of this country so apparent as in its judicial establishments. As an illustration of the condition of some of these County Courts in the olden time, the Judge related to me the following extraordinary story that occurred to himself:

Shortly after my return from Europe, about forty years ago, I attended the Western Circuit of the Supreme Court, which then terminated at Annapolis, and remained behind a few days, for the purpose of examining that most interesting place, which is the scene of the first effective settlement in North America.

While engaged in these investigations, a person called upon me, and told me he had ridden express from Plymouth, to obtain my assistance in a cause which was to be tried in a day or two in the county court at that place. The judges were at that period, as I have previously observed, not professional men, but magistrates, and equally unable to administer law, or to preserve order; and the verdicts generally depended more upon the declamatory powers of the lawyers than merits of the cause. The distance was great—the journey had to be performed on horseback—the roads were bad, the accommodation worse. I had a great repugnance to attend these courts under any circumstances; and, besides, had pressing engagements at home. I therefore declined accepting his retainer, which was the largest that at that time had ever been tendered to me, and begged to be excused. If he, he said, was too small to render it worth my while to go, he would cheerfully double it, for money was no object. The cause was one of great importance to his friend, Mr. John Barkins, and of deep interest to the whole community; and, as the few lawyers that resided within a hundred miles of the place were engaged on the other side, if I did not go, his unfortunate friend would fall a victim to the intrigues and injustice of his opponents. In short, he was so urgent, that at last I was prevailed upon to consent, and we set off together to prosecute our journey on horseback. The agent, Mr. William Robins (who had the most accurate and capacities memory of any man I ever met), proved a most entertaining and agreeable companion. He had read a great deal, retained it all, and having resided many years near Plymouth, knew every body, every place, and every tradition. Withal, he was somewhat of a humorist. Finding him a person of this description, my curiosity was excited to know who and what he was; and I put the question to him.

"I am of the same profession you are, sir," he said. I immediately reined up. "If that be the case," I replied, "my friend, you must try the cause yourself. I cannot consent to go on. The only thing that induced me to set out with you was your assertion that every lawyer within a hundred miles of Plymouth, was retained on the other side."

"Excuse me, sir," he said, "I did not say I was a lawyer."

"No," I observed, "you did not; but you stated that you were of the same profession as myself, which is the same thing."

"Not exactly, sir," he said. "I am a wrecker. I am Lloyd's agent, and live on the misfortunes of others; so do you. When a vessel is wrecked, it is my business to get her off, or to save the property. When a man is entangled among the shoals or quicksands of the law, your duty is similar. We are both wreckers, and, therefore, members of the same profession."

The only difference is, you are a lawyer, and I am not."

"This absurd reply removing all difficulties, we proceeded on our journey; and the first night after passing through Digby reached Shingle Town, or Spatsville, the origin of which, as he related it to me, was the most whimsical story I ever heard. It is rather long for an episode, and I will tell it to you some other time. The next morning we reached Olare, a township wholly owned and occupied by French Acadians, the descendants of those persons who first settled at Port Royal (as I have just related), and other parts of the province into which they had penetrated, previous to the occupation of the English. I will not trouble you with the melancholy history of these people at present; I only allude to them now on account of a little incident in our journey. As we approached the chapel, we saw a large number of persons in front of the priest's house, having either terminated or being about to commence a procession. As soon as Robins saw them, he said:—

"Now, I will make every man of that congregation take off his hat to me."

"How?"

"You shall see."

He soon pulled up opposite to a large wooden cross that stood by the way side, and, taking off his hat, bowed his head most reverently and respectfully down to the horse's neck, and then slowly covering again, passed on. When we reached the crowd, every hat was lifted in deference to the devout stranger, who had thus courteously or piously saluted the emblem of their faith. As soon as we had escaped the wondering gaze of the people, he observed:—

"There, lawyer, there is a useful lesson in life for you. He who respects the religious feelings of others, will not fail to win indulgence for his own."

In the afternoon we arrived at Plymouth. As we entered the village, I observed that the court-house as usual was surrounded by a noisy multitude, some detached groups of which appeared to be discussing the trials of the morning, or anticipating that which was to engross the attention of the public on the succeeding day. On the opposite side of the road was a large tavern, the hospitable door of which stood invitingly open, and permitted the escape of most agreeable and seducing odors of rum and tobacco. The crowd occupied and filled the space between the two buildings, and presented a moving and agitated surface; and yet a strong current was perceptible to a practiced eye in this turbid mass, setting steadily out of the court-house, and passing slowly but constantly through the centre of the extant into the tavern, and returning again in an eddy on either side.

Where every one was talking at the same time, no individual could be heard or understood at a distance, but the united vociferations of the assembled hundreds blended together, and formed the deep-toned, but dissonant voice of that hydrant monster, the crowd. On a nearer approach, the sounds that composed this increasing roar became more distinguishable. The drunken man might be heard rebuking the profane, and the profane overhauling the hypocrite with appropriate and biting sarcasm. Neighbors rendered amiable by liquor embraced as brothers, and loudly proclaimed their unchangeable friendship; while the memory of past injuries, awakened into fury by the liquid poison, placed others in hostile attitude, who hurled defiance and abuse at each other, to the full extent of their lungs or their vocabulary. The slow measured, nasal talk of the degenerate settler from Puritanical New England, was rendered unrecognizable by the ceaseless and rapid utterance of the French fisherman; while poor Pat, bludgeon in hand, uproariously solicited his neighbors to fight or to drink, and generously gave them their option. Even the dogs caught the infection of the place, and far above their master's voices might occasionally be heard the loud, sharp cry of triumph, or the more shrill howl of distress uttered by these animals, who, with as little cause as their senseless owners, had engaged in a stupid conflict.

A closer inspection revealed the groupings with more painful distinctness. Here, might be seen the merry, active Negro, flipping his nimble wings and crowing like a cock in token of defiance to all his sable brethren, or dancing to the sound of his own musical voice, and terminating every evolution with a scream of delight. There, your attention was arrested by a ferocious-looking savage, who, induced by the promise of liquor, armed with a scalping-knife in one hand and a tomahawk in the other, exhibited his terrific war-dance, and uttered his demonic yells, to the horror of him who personated the victim, and suffered all the pangs of martyrdom in trembling apprehensions that which had begun in sport might end in reality, and to the infinite delight of a circle of boys, whose morals were thus improved and confirmed by the conversation and example of their fathers. At the outer edge of the throng might be seen a woman, endeavoring to persuade or to force her inebriated husband to leave this scene of sin and shame, and return to his neglected home, his family, and his duties. Now, success crowns her untiring exertions, and he yields to her tears and entreaties, and gives himself up to her gentle guidance; when suddenly the demon within him rebels, and he rudely bursts from her feeble but affectionate hold, and returns shouting and roaring like a maniac, to his thoughtless and noisy associates. The enduring love of the agonized woman prompts her again and again to renew the effort, until at last some kind friend, touched by her sorrows, and her trials, lends her the aid of his powerful arm, and the truest man is led off captive to what we now call a happy home, but now a house of dejection and distress. These noises ceased for a moment as we arrived at the spot, and were superseded by a command

issued by several persons at the same time. "Clear the road there! Make way for the gentlemen!"

We had been anxiously expected all the afternoon, and the command was instantly obeyed, and a passage opened for us by the people falling back on either side of the street. As we passed through, my friend checked his horse into a slow walk, and led we with an air of triumph such as a jockey displays in bringing out his favorite on the course. Robins was an important man that day. He had succeeded in his mission. He had fought his champion, and would be ready for his trial in the morning. It was but reasonable, therefore, he thought, to indulge the public with a glimpse at this man. He nodded familiarly to some, winked slyly to others, saluted people at a distance aloud, and shook hands patronizingly with those that were nearest. He would occasionally lag behind a moment, and say in an under but very audible tone:—

"Precious clever fellow, that! See it all says we are all right—sure to win till I wouldn't be in these fellows' shoes for a trifling sum."

"The first opportunity that occurred, I endeavored to put a stop to this trumpeting."

"For heaven's sake," I said, "my good friend, do not talk such nonsense; if you do, you will ruin me! I am at all times a diffident man, but if you raise such expectations, I will assuredly break down, from the very fear of not fulfilling them. I know too well the doubtful issue of trials ever to say that a man is certain of winning. Pray do not talk of me in this manner."

"You are sure, sir," he said. "What, a man who has just landed from his travels in Europe, and arrived after a journey of one hundred miles, from the last sitting of the Supreme Court, not to know more than any one else! Fudge, sir! I congratulate you, you have gained the cause! And besides, sir, do you think that if William Robins says he has got the right man (and he wouldn't say so if he didn't think so), that that isn't enough? Why, sir, your leather breeches and top-boots are good enough to do the business! Nobody ever saw such things here before, and a man in backskin must know more than a man in horse-skin. But here is Mrs. Brown's inn; let us dismount. I have procured a private sitting-room for you, which on court-days, militia trainings, and times of town meetings or elections, is not very easy to assure you. Come, walk in, and make yourself comfortable."

We had scarcely entered into our snugger, which was evidently the laudatory's own apartment, when the door was softly opened a few inches, and a beseeching voice was heard, saying:—

"Billy, is that him? If it is, tell him it's me; will you? That's a good soul!"

"Come in—come in, old Blowhard!" said Robins; and, seizing the stranger by the hand, he led him up, and introduced him to me.

"Lawyer, this is Captain John Barkins! He is our client, lawyer, and I must say one thing for him; he has but two faults, but they are enough to ruin any man in this province; he is an honest man, and speaks the truth. I will leave you together now, and go and order your dinner for you."

John Barkins was a tall, corpulent, amphibious-looking man, that seemed as if he would be equally at home in either element, land or water. He held in hand what he called a nor'-wester, a large, broad brimmed, glazed hat, with a peak projecting behind to shed the water from off his club queue, which was nearly as thick as a hammer. He wore a long, narrow, white-tailed, short-waisted blue coat, with large, white-plated buttons, that resembled Spanish silk handkerchiefs tied loosely about his throat, and a pair of voluminous corduroy trousers, of the color of brown soap, over which was drawn a pair of fishermen's boots, that reached nearly to his knees. His waistcoat and his trousers were apparently not upon very intimate terms, for, though they travelled together, the latter were taught to feel their subjection, but when they lagged too far behind, they were brought to their place by a jerk of impatience that threatened their very existence. He had a thick, wadded head of black hair, and a pair of whiskers that disdained the efficiency of either scissors or razor, and revelled in all the exuberant and wild profusion of nature. His countenance was much weather-beaten from constant exposure to the vicissitudes of heat and cold, but was open, good-natured, and manly. Such was my client. He advanced and shook me cordially by the hand.

"Glad to see you, sir," he said; "you are welcome to Plymouth. My name is John Barkins; I dare say you have often heard of me, for everybody knows me about these parts. Any one will tell you what sort a man John Barkins is. That's me—that's my name, do you see? I am a persecuted man, lawyer; but I ain't altogether quite run down yet, neither. I have a case in court; I dare say Mr. Robins has told you of it. He is a very clever man; I do Billy, and as smart a chap of his age as you will see any where in the State. I suppose you have often heard of him before, for every body knows William Robins in these parts. It's the most important case, sir, ever tried in this country. If I lose it, Plymouth is done. There's an end to the fisheries, and a great many of us are going to sell off and quit the country."

I will not detail his case to you in his own words, because it will fatigue you as it wearied me in hearing it. It possessed no public interest whatever, though it was of some importance to himself, and regarded the result. It appeared that he had fitted

out a large vessel for the Labrador fishery, and taken with him a very full crew, who were to share in the profits or loss of the adventure. The agreement, which was a verbal one, was, that on the completion of the voyage the cargo should be sold, and the net proceeds be distributed in equal portions, one half to appertain to the captain and vessel, and the other half to the crew, and to be equally divided among them. The undertaking was a disastrous one, and on their return the seamen repudiated the bargain, and sued him for wages. It was, therefore, a very simple affair, being a mere question of fact as to the partnership, and that depending wholly on the evidence. Having ascertained these particulars, and inquired into the nature of the proof by which his defence was to be supported, and given him his instructions, I requested him to call upon me again in the morning before Court, and bowed to him in a manner too significant to be misunderstood. He, however, still lingered in the room, and turning his hat round and round several times, examining the rim very carefully, as if at a loss to discover the front from the back part of it, he looked up at last, and said:—

"Lawyer, I have a favor to ask of you."

"What is it?" I inquired.

"There is a man," he replied, "coming agin me to-morrow as a witness, of the name of Lillium. He thinks himself a great Judge of the fisheries, and he does know a considerable some. I must say; but, d—him! I caught fish afore he was born, and know more about fishing than all the Lilliums of Plymouth put together. Will you just ask him one question?"

"Yes, fifty, if you like."

"Well, I only want you to try him with one, and that will choke him. Ask him if he knows 'how many fins a cod has, at a word.'"

"What has that to do with the cause?" I said, with unfeigned astonishment.

"Every thing, sir," he answered; "every thing in the world. If he is to come to give his opinion on other men's business, the best way is to see if he knows his own. Tarnation, man! he don't know a cod-fish when he sees it; if he does, he won't turn 'how many fins it has, at a word.' It is a great catch, that I have won a great many half-pints of brandy on it. I never knew a feller that could answer that question yet, right off the reel."

He then explained to me that, in the enumeration, one small fin was always omitted by those who had previously made a minute examination.

"Now, sir," said he, "if he can't cipher out that question (and I'll give a hoghead of rum on it if he can't), turn him right out of the door, and tell him to go a voyage with old John Barkins—and he will learn his own trade. Will you ask him that question, lawyer?"

"Certainly," I said, "if you wish it."

"You will gain the day, then, sir," he continued, much elated; "you will gain him the day, then, as sure as fate. Good-by, lawyer!"

When he had nearly reached the foot of the staircase, I heard him returning, and, opening the door, he looked in and said:—

"You won't forget, will you?—my name is John Barkins; ask any body about here, and they will tell you who I am, for everybody knows John Barkins in these parts. The man's name is Lillium—a very decent 'sponsible-looking man, too; but he don't know every thing. Take him up all short. 'How many fins has a cod, at a word?' says you. If you can lay him on the broad of his back with that question, I don't care a farthing if I lose the case. It's a great satisfaction to nonpluss a knowin' one that way. You know the question?"

"Yes, yes," I replied, impatiently. "I know all about it."

"You do, do you, sir?" said he, shutting the door behind him, and advancing towards me, and looking me steadily in the face; "you do, do you? Then, 'how many fins has a cod, at a word?'"

I answered as he had instructed me. "Gad, sir," he said, "it's a pity your father hadn't made a fisherman of you, for you know more about a cod now than any man in Plymouth but one, old John Barkins—that's me, my name is John Barkins. Everybody knows me in these parts. Bait your hook with that question, and you'll catch old Lillium, I know. As soon as he has it in his gills, drag him right out of the water. Give him no time to play—in with him, and whap him on the deck; bit him hard over the head—it will make him open his mouth, and your hook is ready for another catch."

"Good night, Mr. Barkins," I replied, "call on me in the morning. I am fatigued now."

"Good night, sir," he answered, "you won't forget!"

[TO BE CONTINUED.]

**Building and Loan Association.**  
For the benefit of the Building and Loan Association in this city we will state that at a meeting of the Stockholders of the Wilmington Building Association they passed a resolution, stopping the collection of dues from the share holders.

## THE INDIAN WAR.

Curly, the Crow Indian, that went into the Custer Fight, makes a Statement—Custer Intended to Cut off the Indians.

NEW YORK, July 26.—The Herald in a communication from Bismarck, D. T., dated July 12th, from an officer high in command of the forces operating against the Indians, says: The Crow Indian, Curly, believed to be the only survivor of 250 men who went into action with Custer, and who is very clear in his knowledge of the fight has made a statement as follows: He went down with two other Crows and went into the action with Custer. The General, he says, kept down the river on the North bank about four miles. After Reno had crossed the South side alone, Custer's object was to cut off the Indians. He thought Reno would drive down the valley, and at the same time attack the village on two sides, he believing that Reno would take it at the upper end while he (Custer) would go in at the lower end.

Custer had to go further down the river and further away from Reno than he wished, on account of the steep bank along the north side, but at last he found a ford and dashed for it. The Indians met him and poured in a heavy fire from across the narrow river. Custer dismounted to fight on foot but could not get his skirmishers over the stream. In the meantime hundreds of Indians on foot and on ponies poured over the river which was only about 3 feet deep and filled the ravines on each side of Custer's men. Custer then fell back to some high ground beyond him, and seized the ravines in his immediate vicinity. The Indians completely surrounded Custer, and poured in a terrible fire on all sides. They charged Custer on foot in vast numbers, but were again and again driven back. The fight began about two o'clock and lasted Curly says, almost till the sun went down over the hills. The men fought desperately, and after the ammunition in their belts was exhausted, they went to their saddles-bags and got more, and continued the fighting. Curly says that more Indians were killed than Custer had men. He also says that the big Chief Custer lived until nearly all his men had been killed or wounded, and went about encouraging the soldiers to fight on. He got a shot in the left side and sat down, with his pistol in his hand, and then a shot struck him in the breast and he fell over. The last officer killed was a man who rode a white horse and believed to be Lieut. Cook, Adjutant of the Seventh, as Lieuts. Cook and Calhoun were the only officers who rode white horses, and Lieut. Calhoun was found dead on the skirmish line near the ford, and probably fell early in the action. Curly says when he saw Custer he was hopelessly surrounded. He watched his opportunity to get a Sioux blanket and put it on and walked up a ravine and when the Sioux charged, he got among them and they did not know him from one of their own men. There were some mounted Sioux and seeing one fall, Curly ran to him, mounted his pony and galloped down as if going toward the white men, but went up a ravine and got away. He says as he rode off he saw, when nearly a mile from the battle-field a dozen or more soldiers in a ravine fighting with the Sioux all around them. He thinks all were killed as they were out numbered five to one, and apparently dismounted. These men were no doubt part of the 3d missing men reported in the official dispatch of General Terry. Curly says he saw one cavalry officer who had got away, and he was well mounted, but shot through both hips and Curly thinks he died of his wounds or starved to death in the bad lands, or more likely his trail was followed, and he was killed by the Sioux. Curly did not leave Custer until the battle was nearly over, and he describes it as desperate in the extreme. He is quite sure the Indians had more killed than Custer had white men with him, and says the soldiers fought until the last man fell. The other Crow Indians in the battle were killed.

**They Want Him Back.**

[Washington City Herald.]

A United States senator to succeed General Matt W. Ransom is to be chosen by a newly elected legislature in North Carolina next November. Without disengagement to the other able men in North Carolina—and the Old North State retains her prestige in respect to the ability of her public men—we hope General Ransom will be returned. He is a legislator of rare qualifications, and the advantages of experience and long standing are especially marked in a body like the senate. Those states have by far the most influence who retain their delegations the longest without change.

**JOHN POOL.**

**THE NEW SUPERINTENDENT OF PUBLIC INSTRUCTION.**

In spite of Governor Brogden's efforts at secrecy, it has leaked out that he has appointed John Pool, of Pasquotank county, ex-U. S. senator and ex-adviser of ex-Governor Holden to employ pirates to murder the late Hon. W. A. Graham and other prominent men in this state, to fill the vacancy in the office of superintendent of public instruction, and he has accepted. McInday to the front. Comment is unnecessary.—Raleigh Sentinel.

"Look here, squire, where was you born?" said a persistent Yankee to a five minutes' acquaintance. "I was born," said the victim, "in Boston, Tremont street, No. 44, left-hand side, on the first day of August, 1820, at five o'clock in the afternoon; physician, Dr. Warren; nurse, Sally Benjamin." Yankee was answered completely. "For a moment he was struck. Soon, however, his face brightened, and he quickly said, 'Yes; was; I calculate you don't recollect whether it was a frame or a brick building, dew ye?'"

In warm climates, like India and Brazil, where ice is all but unobtainable, they cool their drinking water by putting it in jars of porous clay and hanging them in shady places. As the water soaks slowly through evaporation on the surface takes place, and the water in the jars becomes deliciously cool.—Raleigh News.

It may console some of our people to know that the hard times are felt in Europe as well as here. Business in London has not been so dull since the recession after the Crimean war. It makes it seem easier if all suffer together.—Sentinel.

The Newbern Natchell man is passing over the fact that, during the thunder-storm of July 21, lightning set fire to a lot of clothes hanging in a closed room without striking the house. It is not half as odd as presidential lightning slipping into a corruptionist convention and striking the great reformer Hayes.—Sentinel.

The Hayes and Wheeler reform party now extends from the Missouri penitentiary to the Beecher sing-song and the polluted White House; and every official thief and corruptionist in an active, working member of it.—Sentinel.

In the name of common decency, we call on Governor Brogden, as he is now the nominee of his party for congress, to resign the governorship. Holding the chief executive position of our state and running as a candidate for a federal office at the same time are incompatible. Let him follow Judge Settle's example, and resign. Lieutenant Governor Armfield—democrat—to the front.—Sentinel.

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