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**TO CAPTAIN SETTLE, LATE C. S.**  
**A. RADICAL CANDIDATE FOR**  
**GOVERNOR.**

From the Wilmington Journal.

You belong to the best blood of the  
State. Like your Confederate and Federal  
comrade Colonel Rodman, you were  
born an aristocrat. You are no common  
man, sprung from obscure parentage,  
high station and wealth and the Settle  
family are no strangers to each other.  
Your father, whose honored name you  
bear in full, adorned for years the Judiciary  
of our State.

Time and again you have been honored  
by the confidence of the people. An edu-  
cated gentleman, you were doubtless  
early proficient in English history; at any  
rate I make bold to say that the example  
of at least one more illustrious English  
character has been a lamp unto thy feet  
and a light unto thy path in every night  
of doubt and uncertainty that has come  
upon you. It is necessary to say I refer  
to that eminent British Divine, the Vicar  
of Bray, him who in every revolution pro-  
fessed tenets of the sect that "held the  
best living in England." No matter how  
many might be wrecked around him his  
back always came safely to shore.

Comparatively a young man, for twen-  
ty five years, you have been more or less  
prominent before the people. You were  
by birth and education a Whig; your  
county of Rockingham was largely Democ-  
ratic; you went to the University of the  
State and there you overcame your early  
prejudices as your naturally fine mind  
was enlarged and developed by its lib-  
eralizing course of study. This was truly  
fortunate. The whole State had also be-  
come Democratic and you returned home,  
most opportunely qualified for the posi-  
tion of private Secretary to your brother-  
in-law, that true man Governor DAVID  
SETTLE. For a time Democracy  
was jubilant and so was THOMAS SETTLE,  
JR. The future lay fair and beautiful  
before you; the sunshine lasted just long  
enough to make you the Solicitor of your  
district.

But fair weather could not last always.  
Patient signs of a terrible storm over-  
cast the whole political horizon. With  
some skill you so trimmed your sails as to  
break the force. Still claiming to be a  
Democrat, you followed in the wake of  
A. DOUGLAS. If Douglas was you were  
all right. If the Democrats won, you were  
still a Democrat. If the Opposition won,  
had you not aided them in breaking down  
the Democratic party? Verily, it was a  
fine position you took.

But neither Democrats, Douglas nor the  
Opposition won. The winning party,  
though marching on was not yet here.  
And you wished to be Solicitor again. The  
Legislature met and you asked to be again  
elected. In the caucus of the Democratic  
members, held in the Commons Hall, in  
the winter of 1869, you made a speech  
reproaching your errors and apologizing for  
your wanderings. I was present at that  
caucus. I have in my mind's eye now  
your tall, graceful figure and your com-  
manding form, as you renewed your fealty  
to the Democratic party, which, it is need-  
less to say then controlled the Legislature.  
I will remember the classic and elegant  
manner in which you referred to your  
error. It was forcible too. You said you

were like the poor girl when severely re-  
buked by her stern mother for an indis-  
cretion that resulted in an unauthorized  
grandchild for the old lady; and all you  
had to say was that "if you had had a  
baby it was a mighty small one," and you  
hoped to be excused. You were excused  
and nominated and received the vote of  
every Democrat in the Legislature save  
that of the gallant and chivalrous FLEM-  
ING OF ROWAN, who boldly proclaimed that  
no caucus could compel him to vote for  
you under such circumstances.

Poor FLEMING! The gentlest, the  
purest, the bravest, the most incorruptible  
of men, the most single-minded of patriots  
and the truest of friends! Fitted by every  
quality of head and of heart to adorn the  
highest position in the gift of the people,  
I fell to your lot my gallant comrade to  
lay down your noble life for the land you  
loved so well! You, Captain Settle, and  
myself, still survive! The ways of Provi-  
dence are indeed past finding out.

You were elected and herein was your  
good fortune again apparent. The Presi-  
dential election took place in November  
but that for Solicitor did not take place  
until December, so that you had ample  
time to ample for you at least, to run off  
with Douglas and return to the true folds  
before your election came off.

The storm whose ominous mutterings  
had been heard and whose black cloud  
had been seen, at last burst and with  
sudden fury over the whole country. The  
President of the United States called for  
seventy-five thousand troops to quell "the  
insurrection." Your response to this call  
was prompt and vigorous. You raised a  
company and with arms in your hands  
became an insurgent. You defied the  
Federal flag and bore a Captain's commis-  
sion in the insurgent army.

A year passed. In 1862 when the  
spring time came, you were elected a full  
Colonel, but like the Gallio of old you  
then cared for none of these things. You  
could not command, you said. I men who  
were soldiers by compulsion. You must  
have a free troop or none at all. You  
therefore resigned and came home. Again  
good fortune had favored you. Thus far  
the current of popular feeling had been  
strong against the Federal Government  
but at that point there was a change. Just  
as that feeling received its first shock, the  
Confederate Government made men  
soldiers by compulsion and afforded to your  
tender sensibilities excuse for stepping out  
of the current that, last becoming cold  
and muddy, was carrying you out into an  
unknown sea! Your race as an insurgent  
was run.

Time rolled on. Mr. Lincoln at last  
succeeded in quelling "the insurrection."  
The current had by this time turned in  
the opposite direction and flowed with  
such violence that it was like a rushing,  
raging, mountain torrent. But the first  
thing recognized on the tumultuous waters  
was the cheery bark of THOMAS SETTLE  
gliding on so calmly and smoothly that  
even had it held that poor girl's unfortu-  
nate babe, its slumbers would have been  
undisturbed. The people who for four  
years had made war upon you, the same  
people again whom for four years be-  
fore, you had so valiantly taken up arms  
were now triumphant. The winning side  
that for four years had been marching on  
was actually here at last and no mistake  
and you were again jubilant.

A Convention, so-called, assembled and  
you were one of its prominent members.  
It met in that same Commons Hall where  
you told the chaste and pathetic story of  
that poor girl. In that same Commons  
Hall, for the Canby Constitution had not  
then changed its name, it was again my  
fortune to be present when you made  
another celebrated speech, that in which  
you confessed yourself a conscious traitor  
to your flag and to your country. But  
though a conscious traitor, you denied that  
you had been a willing traitor. You de-  
clared that when you stood by the dying  
bed of your honored father, no greater  
agony wrenched your soul than that you  
felt when you adorned the old flag. You  
did not repeat the story about the poor  
girl, but it is needless to say I was for-  
tunately reminded of the time when I heard  
you confess and recant your treason to  
the old Democratic party. I stood and  
listened to you that day, my face burning  
with shame that such words could be ut-  
tered in such a place and no man dare  
make a reply! Yet so it was. That speech  
will never be forgotten. Captain Traitor  
Settle! The people of North Carolina do  
not love traitors. But still you thrived.  
You were made Speaker in the Senate and  
you were again elected Solicitor for the  
district, and as a you went from county  
to county you left strife and discord in  
your wake, neighbor against neighbor  
and brother against brother. You became  
a merciless prosecutor and a relentless  
prosecutor of those who like yourself had  
fought against the old flag.

Time rolled on. You were now a loyal  
man though not yet a Radical. In the  
fall of 1867 a convention of your new  
brethren was held in Tucker Hall in  
Raleigh and adopted such extreme views  
that a division was made and for a short  
time there was hope that a few would re-  
turn to their senses. It was so frequently  
reported that you were opposed to Rad-  
icalism and that the smell of the negro  
was offensive to your aristocratic white  
nose, that I looked with some confi-  
dence to hear your third recantation. But  
the threatened division failed, for colored  
suffrage came and of course you and the  
negroes then joined the Radical party.  
Reconstruction and Radicalism were then  
your motto. Upon the swamy backs  
of your sable brethren you, who had only  
been Solicitor, mounted to a seat on the  
bench of the Supreme Court of North Car-  
olina. Nor might you be blamed. If a  
negro could be a voter, might not a traitor  
be Judge? Your judgment and foresight  
were admirable in matters political, and  
why might not you as readily foresee the

winning side in a legal contest as the win-  
ning side in a political contest? And then,  
too, TOUBEE had induced the Conven-  
tion to abolish all that legal lumber about  
pleading, and law and equity, of which  
the head of GASTON, and HENDERSON,  
and REFFIN was to be so full. And so  
it was. With aristocratic instinct you  
at once got above the common negro herd.  
Nor were you out of place, for when  
SETTLE became Judge, party became law.  
PEARSON also and politics were one and  
inseparable. RODMAN too and BRADE  
were always ready to obey partisan be-  
hests. You were no worse than the rest  
—and no better.

Time rolled on. The terrible Kirk war  
came on and with it came the crowning  
shame of our life. Men might forget that  
you were selfish and time serving; might  
forget that you had betrayed and aban-  
doned every political party that you ever  
belonged to; they might bury in oblivion  
the remembrance that you shamefully  
shirked when you—native land, that had  
so honored you, was invaded by a mercen-  
nary; they might forget that you con-  
fessed and publicly called yourself a traitor;  
might overlook your alliance with vile  
negroes and your association with vile  
carpet-baggers who overran your State,  
but never so long as you and they shall  
live, will citizens of North Carolina either  
forget or forgive your shameful conduct  
when you a Judge, sworn to administer  
the law honestly and impartially, aban-  
doned them, in the hour of their extremity,  
to the mercy of Kirk and his entourage.  
When you and your Radical brethren on  
the bench in real or pretended breach of  
oath down before Kirk's insolent gibes like  
a pack of whipped curs, you set your own  
seals to your own shame and to your own  
infamy. Did you fear or did you feign  
fear? In 1869 you hesitated not to take  
up arms against the Federal Government.  
How was it, then, that 1870 a single  
Tennessee cut-throat could by a few inso-  
lent words strike down all the manhood  
in you? Shame, of shame, where is thy  
blush? Friends, kinsmen, fellow-citizens  
all, were in vile dangers, huddled to-  
gether in midsummer's heat, hourly in-  
sulted and hourly in danger of their lives  
from the bullets and bayonets of lawless  
brigands, and you, with all the power of  
State at your command, miserably, cow-  
ardly, traitorously left them to their fate  
—to trial by drum-head court-martial!  
And in the face of all this you ask the  
people of North Carolina to make you  
their Governor! Do you remember that  
Canby no longer rules—that our elec-  
tion returns are no longer sent to Charles-  
ton to be counted? May God Almighty  
in his infinite goodness and mercy forgive  
you your great crime; the people of North  
Carolina never will.

**ONE OF THE PEOPLE.**  
Dinner was now announced, and my  
friend Mr. Robins and myself sat down  
to it with an excellent appetite. Having  
done ample justice to the good cheer of  
Mrs. Brown, and finished our wine, we  
drew up to the fire, which, at that sea-  
son of the year, was most accepta-  
ble in the morning and evening, and  
smoked our cigars. Robins had so many  
good stories, and told them so uncom-  
monly well, that it was late before we  
retired to rest. Instead of being shown  
into the bed-room I had temporarily oc-  
cupied for changing my dress before din-  
ner, I was ushered into a long, low room,  
fitted up on either side with berths, with  
a locker running round the base, and in  
all respects, except the sky-light, resembling  
a cabin. Strange as it appeared, it  
was in keeping with the place (a fishing  
port), its population, and the habits of the  
people. Mrs. Brown, the landlady, was  
the widow of a sea-faring man, who had,  
no doubt, fitted up the chamber in this  
manner with a view to economize room,  
and thus accommodate as many passen-  
gers (as he would designate his guests)  
as possible in this sailor's home. A  
lamp hung suspended from the ceiling,  
and appeared to be supplied and trimmed  
for the night, so as to afford easy access  
and egress at all hours. It was almost  
impossible not to imagine one's self at  
sea, on board of a crowded coasting-  
vessel. Retreat was impossible, and there-  
fore I made up my mind at once to sub-  
mit to this whimsical arrangement for the  
night, and having addressed myself, was  
about to climb into a vacant berth near  
the door, when some one opposite called  
out—

"Lawyer, is that you?"  
It was my old mentor, the skipper.  
Upon acquainting who it was, he imme-  
diately got out of bed, and crossed over  
to where I was standing. He had noth-  
ing on but a red nightcap, and a short,  
loose check shirt, wide open at the throat  
and breast. He looked like a huge bear  
walking upon his hind legs, he was so  
hairy and shaggy. Seizing me by the  
shoulders, he clasped me tightly round  
the neck, and whispered—

"How many fins has a cod, at a word?"  
That's the question. You won't forget  
it, will you?"  
"No," I said, "I not only will not for-  
get it to-morrow, but I shall recollect you  
and your advice as long as I live. Now,  
let me get some rest, or I shall be un-  
able to plead your cause for you, as I am  
excessively fatigued and very drowsy."

"Certainly, certainly," he said, "turn  
in, but don't forget the catch!"  
It was some time before the hard bed,  
the fatigues of the journey, and the novel-  
ty of the scene permitted me to com-  
pose myself for sleep; and just as I was  
dropping off into slumber, I heard the  
same unwelcome sounds—

"Lawyer, lawyer, are you asleep?"  
I affected not to hear him, and, after  
another ineffectual attempt on his part to

rouse me he desisted; but I heard him  
mutter to himself—  
"Plague take the serpent! He'll forget  
it and lose all: a feller that falls asleep  
at the helm, ain't to be trusted no how."  
I was not doomed, however, to obtain  
repose upon such easy terms. The skipper's  
murmurs had scarcely died away, when  
a French fisherman from St. Mary's  
Bay entered the room, and, stumbling  
over my saddlebags, which he anathemat-  
ized in bad French, bad English, and in  
a language compounded of both, and em-  
bellished with a few words of Indian ori-  
gin, he called him out loudly—  
"Celestine, are you here?"  
This interrogatory was responded to  
by another from the upper end of the room—  
"Is that you, Baptiste? Which way  
is the wind?"  
"Nor-nor-west."  
"Then I must sail for Halifax to-mor-  
row."

While Baptiste was undressing, an  
operation which was soon performed  
(with the exception of the time lost in  
pulling off an obstinate and most intracta-  
ble pair of boots), the following absurd  
conversation took place. Upon hearing  
the word Halifax (as he called it), Baptiste  
expressed great horror of the place, and  
especially the red devils (the soldiers)  
with which it was infested. He said the  
last time he was there, as he was passing  
the King's Wharf to go to his vessel late  
at night, the sentinel called out to him,  
"Who come dare?" "To which," I said,  
"the devil is that to you?" and ran off so  
fast as my legs would carry me, and fast-  
er too; but the villain knew the way bet-  
ter nor me, and just stuck his bayonet  
right into my thigh, even so far as one  
inch. Oh!" said Baptiste (who had been  
comely excited by the recollection of the  
insult, and began to jump about the floor,  
making a most villainous clatter with the  
half-drawn boot). "Oh!" I was very mad,  
and my eye depend. I could have murder-  
ed him, I was so vexed. Oh! I was so d—  
mad, I ran straight off to the vessel with-  
out stopping, and—jumped right into bed."

Celestine expressed great indignation  
at such an unprovoked and cowardly as-  
sault, and advised him, if ever he caught  
that soldier again, alone and unarmed,  
and had his two grown-up sons, Lewis  
and Dominique with him, to give him a  
sound drubbing, and then weigh anchor,  
and sail right out of the harbor. He con-  
gratulated himself however, that if the  
soldier had run the point of his bayonet  
into his friend, he had lately avenged it  
by making a merchant there feel the point  
of a joke, that was equally sharp, and  
penetrated deeper. He had purchased  
goods, he said of a trader at Halifax upon  
this express promise—

"If you will trust me this spring I will  
pay you last fall. The merchant," he  
observed, "thought I was talking bad  
English, but it was very good English,  
and when last fall comes again, I will  
keep my word and pay him, but not till  
then. Don't let him hope he may get his  
money the day before yesterday!"  
Baptiste screamed with delight at this  
joke, which, he said, he would tell his  
wife Felicite, and his two daughters, An-  
gelique and Blagaine, as soon as he re-  
turned home. Having succeeded at last  
in escaping from his tenacious boot, he  
turned in, and, soon as his head touched  
the pillow, was sound asleep.

In the morning when I awoke, the first  
objects that met my eye were the Band-  
ana handkerchief, the red waistcoat and  
blue coat, while a good natured face  
watched over me with all the solicitude  
of a parent for the first moments of wake-  
fulness.

"Lawyer, are you awake?" said Bark-  
ins. "This is the great day—the great  
day Plymouth ever saw! We shall go  
fish or give them up to Yankee. Every-  
thing depends upon that question; for  
Heaven's sake, don't forget it!"—How  
many fins has a cod, at a word? It's  
very late now. It is eight o'clock, and  
the court meets at ten, and the town is  
full. All the folks from Chebogue, and  
J-groggin, and Salmon River, and Beaver  
River, and Ed Brook, and Polly Cross-  
by's Hole, and the Gut and the Devil's  
Island, and Rugged Island, and far and  
near will come. It's a great day and a great  
catch. I never lost a bet on it yet. You  
may win my half-pints of brandy on it,  
if you won't forget it."

"Do go away and let me dress my-  
self!" I said petulantly. "I won't for-  
get you."  
"Well, I'll go below," he replied, "if  
you wish it, but call for me when you  
want me. My name is John Barkins;  
ask any one for me, for every man knows  
John Barkins in these parts. But, dear-  
ness, he continued, "I forgot!" and, tak-  
ing an enormous key out of his pocket, he  
opened a sea-chest, from which he drew  
a large glass decanter, highly gilt, and a  
rummer of corresponding dimensions,  
with a golden edge. Taking the bottle  
in one hand and the glass in the other, he  
drew the small round gilt stopper with  
his mouth, and, pouring out about half  
a pint of liquid, he said, "Here, lawyer, take  
a drop of bitters this morning, just to  
warm the stomach and clear your throat.  
It's excellent! It is old Jamaica and  
sarsaparilla, and will do your heart good.  
It's an antidomatic and will make you  
as hungry as a shark, and as lively as a  
thrasher!"

I shook my head in silence and de-  
spair, for I saw he was a man there was  
no escaping from.

"You won't, eh?"

"No, thank you, I never taken any  
thing of the kind in the morning."  
"Where in the deuce was you brought  
up," he asked, with distended eyes, "that  
you haven't lost the taste of your mother's  
milk yet? You are worse than an Isle of  
Sable colt, and they wild, untamed devils  
suckle for two years! Well, if you won't,  
I will, then; so here goes," and holding  
back his head, the poison vanished in an  
instant, and he returned the bottle and  
the glass to their respective places. As  
he went, slowly and sulkily, down stairs,  
he muttered, "Hang him! he's only a  
fresh water fish that, after all; and they  
ain't even fit for bait, for they have nei-  
ther substance nor flavor!"

After breakfast, Mr. Robins conducted  
me to the court-house, which was filled  
to almost suffocation. The panel was  
immediately called, and the jury placed  
in the box. Previous to their being  
sworn, I inquired of Barkins whether any  
of them were related to the plaintiffs or  
had been known to express an opinion  
adverse to his interests; for if such was  
the case, it was the time to challenge  
them. To my astonishment, he imme-  
diately rose and told the judges he chal-  
lenged the whole jury, the bench of mag-  
istrates, and every man in the house—a  
defiance that was accompanied by a  
menacing outstretched arm and clenched  
fist. A shout of laughter that nearly  
shook the walls of the building followed  
this violent outbreak. Nothing daunted  
by their ridicule, however, he returned to  
the charge, and said,

"I repeat it; I challenge the whole of  
you, if you dare!"

Here the Court interposed, and asked  
him what he meant by such indecent be-  
havior.

"Mean!" he said, "I mean what I  
say. The strange lawyer here tells me  
now is my time to challenge, and I claim  
my right; I do challenge any or all of  
you! Pick out any man present you  
please, take the smartest chap you've got,  
put us both on board the same vessel, and  
I challenge him to catch, spit, clean, salt,  
and stow away as many fish in a day as  
I can—cod, pollock, shad or mackerel; I  
don't care which, for it's all the same to  
me; and I'll go a hoghead of rum on it  
if I beat him! Will any man take up the  
challenge?" and he turned slowly round  
and examined the whole crowd. "You  
won't, won't you? I guess not." "You  
know a trick worth two of that, I reckon!  
There, lawyer, there is my challenge;  
now go on with the case!"

As soon as order was restored the jury  
were sworn, and the plaintiff's counsel  
opened his case and called his witnesses,  
the last of whom was Mr. Lillum.

"That's him!" said Barkins, putting  
both arms round my neck and nearly  
choking me, he whispered, "Ask him  
how many fins a cod has, at a word?" I  
now stood up to cross-examine him, when  
I was again in the skipper's clutches.  
"Don't forget!" the question is—  
"If you do not sit down immediately,  
sir," I said in a loud and authoritative  
voice (for the scene had become ludicrous),  
"and leave me to conduct the cause my  
own way, I shall retire from the Court!"

He sat down, and growling audibly, put  
both hands before his face and muttered—  
"There is no dependence on a man  
that sleeps at the helm!"

I commenced, however, in the way my  
poor client desired; for I saw plainly that  
he was more anxious of what he called  
stumping old Lillum and non-plushing  
him, than about the result of his trial, al-  
though he was firmly convinced that the  
one depended on the other.

"How many years have you been en-  
gaged in the Labrador fishery, sir?"  
"Twenty-five."

"You are of course, perfectly conversant  
with the cod fishery?"  
"Perfectly. I know as much, if not  
more, about it than any man in Plym-  
mouth."

Here Barkins pulled my coat, and most  
beseechingly said,  
"Ask him!"  
"Be quiet, sir, and do not interrupt  
me!" was the consolatory reply he re-  
ceived.

"Of course, then, after such long ex-  
perience, sir, you know a cod fish when  
you see it?"  
"I should think so!"

"That will not do, sir. Will you  
swear that you do?"  
"I do not come here to be made a fool  
of!"

"Nor I either, sir; I require you to an-  
swer yes or no. Will you undertake to  
swear that you know a cod-fish when  
you see it?"  
"I will, sir."

Here Barkins rose and struck the table  
with his fist a blow that nearly split it,  
and, turning to me, said,  
"Ask him!"

"Silence, sir!" I again vociferated.  
"Let there be no mistake," I continued.  
"I will repeat the question. Do you un-  
dertake to swear that you know a cod fish  
when you see it?"  
"I do, sir, as well as I know my own  
name when I see it?"

"Then, sir, how many fins has a cod,  
at a word?"

Here the blow was given, not on the  
deal slab of the table, but on my back,  
with such force as to throw me forward  
on my two hands.

"Ah, floor him!" said Barkins. "Let him  
answer that question! The lawyer has  
you there? How many fins has a cod,  
at a word, you old sculpin!"

"I can answer you that without hesita-  
tion."  
"How many, then?"  
"Let me see—three on the back, and  
two on the shoulder, that's five; two on  
the nap, that's seven; and two on the  
shoulder, that's nine. Nine, sir!"  
"Mised it, by Gosh!" said Barkins.  
"Didn't I tell you so I knew he couldn't  
answer it. And yet that fellow has the  
impudence to call himself a fisherman!"

Here I requested the Court to interfere,  
and compel my unfortunate and excited  
client to be silent.

"Is there not a small fin beside," I  
said, "between the under jaw and the  
throat?"  
"I believe there is."

"You believe! Then, sir, it seems you  
are in doubt, and that you do not know a  
cod-fish when you see it. You may go;  
I will not ask you another question. Go,  
sir! but let me advise you to be more  
careful in your answers for the future."

There was a universal shout of laugh-  
ter in the Court, and Barkins availed him-  
self of the momentary noise to slip his  
hand under the table and grip me by the  
thigh, so as nearly to sever the flesh from  
the bone.

"Bless your soul, my stout fresh water  
fish!" he said; "you have gained the  
case after all! Didn't I tell you he  
couldn't answer that question? It's a  
great catch, isn't it?"

The plaintiffs had wholly failed in their  
proof. Instead of contenting themselves  
with showing the voyage and their ser-  
vices, for which the law would have ac-  
cused an assumption to pay wages accord-  
ing to the ordinary course of business,  
and leaving the defendant to prove that  
the agreement was a special one, they at-  
tempted to prove too much, by estab-  
lishing a negative; and, in doing so,  
made out a sufficient defence for Barkins.  
Knowing how much depended upon the  
last defence to the jury, when the judge  
was incompetent to direct or control their  
decision. I closed on the plaintiffs' case,  
and called no witnesses. The jury were  
informed by the judge, that, having now  
heard the case on the part of the plaintiffs  
and also on the part of the defendants, it  
was their duty to make up their minds,  
and find a verdict for one or the other.

After this very able, intelligible, and im-  
partial charge, the jury were conducted  
to their room, and the greater part of the  
audience adjourned to the neighboring  
tavern for refreshment. The judges then  
put on their hats, for the air of the hall  
felt cold after the withdrawal of so many  
persons, and the president asked me to go  
and take a seat on the bench with them.

"That was a very happy thought of  
yours, sir," he remarked, "about the fins.  
I don't think another lawyer in the provin-  
ce but yourself knows how many fins  
a cod has. A man who has travelled as  
much as you have, has a great advantage.  
If you had never been in England, you  
never would have learned that, for you  
never would have crossed the banks of  
Newfoundland, and seen the great fishery  
there. But this is dull work; let us retreat  
into the adjoining room, and have a smoke  
until the jury returns. They will soon  
be back, and I think I may venture to  
say you are sure of a verdict. You dis-  
played great skill in that matter of the  
fins."

Just as we were about retiring, our at-  
tention was arrested by a great noise, oc-  
casioned by a constable endeavoring to  
remove a turbulent and drunken fellow  
from the court. The judge promptly in-  
terfered, fined him five shillings for his  
contumacious conduct, and directed the  
prothonotary to lay it out in purchasing  
a bottle of wine wherewith to drink the  
health of the Stranger Lawyer. Having  
settled this little matter to his satisfaction,  
he led the way to the ante-room, where  
pipes were provided, and an officer soon  
appeared with the wine and some glasses.  
Filling a tumbler, the prothonotary a-  
poloized for not being able to remain  
with us, and drank respectfully to the  
health of the Court.

"Stop, sir!" said the judge, "stop, sir!  
Your conduct is unpardonable! I consider  
your behavior a great contempt in  
shilling yourself first. I find you five  
shillings for your indecent haste, and  
request you to pay it immediately in the  
shape of a bottle of brandy; for that wine,"  
of which he took a tumbler full by way  
of tasting, "is not fit for a gentleman to  
drink."

"A very forward fellow that prothono-  
tary!" said the legal dignitary, as the  
officer withdrew.

"Instead of being contented with being  
clerk of the court, he wants to be the  
master of it, and I find it necessary to  
keep him in his place. Only think of his  
confounded impudence in presuming to  
help himself first! He would drink the mil-  
lpondry if it was wine, and then complain  
it did not hold enough! For my own part,  
I am obliged to be very abstemious now,  
as I am subject to the gout. I never  
exceed two bottles of late years, and I  
rectify the acidity of the wine by taking a  
glass of clear brandy (which I call the  
naked truth) between every two Madras.  
Ah, here is the brandy, lawyer! Your  
very good health, sir—pray help your-  
self; and Mr. Prothonotary, here's better  
manners to you in future. *Seniors priores*,  
sir, that's the rule."

Here the constable knocked at the  
door, and announced that the jury were  
in attendance.

"Don't rise, Mr. Sandford," said the  
judge; "let them wait; haste is not dis-  
tified. Help yourself, sir; this is very  
good brandy. I always like to let them  
appear to wait upon me, instead of their  
thinking I wait upon them. What with  
the prothonotary treading on my toes and  
the jury on my heels, I have enough to  
do to preserve the dignity of the Court, I  
assure you. But *Tempus praeterlabatur*,  
as we used to say at Cambridge, Massachu-  
setts; and that is, John Adams, senator,  
and our class, for I was temporary with  
that talented and distinguished—ahem—  
stungy rebel! Help yourself, sir. Come,  
I won't leave any of this *acqua vite* for  
that thirsty prothonotary. There, sir,"  
he said, smacking his lips with evident  
delight, "there is the *finis* and his *finis*.  
Now let us go into court. But give me  
your arm, sir, for I feel a slight twinge of  
that abominable gout. A dreadful pen-  
alty that, Nature assesses on gentility.  
But not so fast, if you please, sir! true

dignity delights in otium, or leisure; but  
abhors *negotium*, or hurry. Haste is the  
attribute of a prothonotary, who writes,  
talks, and drinks as fast as he can, but  
is very unbecomingly the gravity and ma-  
jesty of the law. The gait of a judge  
should be slow, stately, and solemn. But  
here we are, let us take our respective  
seats."

As soon as we made our appearance,  
the tumultuous wave of the crowd rushed  
into the court-house, and surging back-  
ward and forward, gradually settled down  
to a level and tranquil surface. The  
panel was then called over, and the ver-  
dict read aloud. It was for the defend-  
ant.

Barkins was not so much elated as I  
expected. He appeared to have been  
prepared for any event. He had had his  
gratification already. "Old Lillum was  
floored," the "knowing one had been non-  
plused," and he was satisfied. He had