

HITS AND HINTS.

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BOSTON:
JOHN J. DYER & CO.
1867.

CHAPTER I.

HOW TO MAKE MILLIONAIRES.

It may be done at very little expense. Every thing thrown open to the public adds so much to each man's estate. The Boston Public Library has added fifty thousand volumes to the library of each citizen of Boston. There is not a poor man in Paris, who is not, in the best sense of the word, a millionaire. Be he rag-picker, laborer, student, invalid, clerk, or poor annuitant, he has still a hundred or more old estates, in and about Paris, that are worth their millions and tens of millions. Has he an hour of leisure, he has no motive to go to the dram-shop, or loiter away his time in folly anywhere. He has as many sources of pleasure at hand as any lord or lady in the land.

He has his *Louvre*, where he can while away his hour, if he wishes, among miles in extent of objects of *vertu* and art; he can go to the academy and listen to interesting lectures on the useful arts; he can, if he pleases, wander into the Garden of Plants, and enjoy his collections of animals and plants from all parts of the world; he may enjoy, if he likes, the cooling shade of his Bois Bologne, a beautiful wood near Paris, twice as large as all Boston, full of ponds, lakes, flowers, statuary and fountains; he may walk on the Boulevards, or in the garden of the Tuileries;

witness a review on the Champs Elysee; visit and consult the great imperial library of Paris of over 800,000 volumes; stray into the Luxembourg, or the imperial observatory; take a little trip to Versailles, and enjoy its wonderful gardens, fountains and works of art; indulge his taste for the useful arts, if he likes, in visiting the Sevres Museum, the Artillery Museum, the Gobelin Tapestry Museum, the Museum of the Mint, the Medical Museum, or the Military Museum.

If his mood of mind leads that way, he may find food for quiet meditation in *Pere le Chaise*, sacred to the memory of the thousand distinguished dead; in the Church of the Madeleine; in bending over the Urn of Napoleon; in the beautiful Chapel of Expiation, sacred to the memory of Louis XVI. and Marie Antoinette; in the Chapel of the Due d'Orleans, built and adorned to commemorate the place where he fell mortally injured; in the Holy Chapel of St. Louis; in Notre Dame, around whose massive walls have thundered the tumults of seven centuries; in the Hotel d'Invalides, filled with commemoratives of a hundred pitched battles; in the Palais Royal, full of historical paintings; in the Place de la Bastille; in the Palace of Justice, from whence Hugh Capet gave law eight centuries ago; in the Hotel de Cligny, a museum of Roman antiquities and medals; St. Germain, the palace where James II. lived and died in exile; St. Cloud; the Champs de Mars, large as Boston Common, and a score or two more of such places, filled with curiosities appropriate to the place, curiosities in history, art, science, and everything to interest and instruct the mind of man. And all of those noble old estates are his to use and enjoy, without fee or reward.

Every thing dedicated to the public is so much added to the private fortune of those whose situation admits of their enjoying it. Does a city lay out a park, then Mr. Trott, the hand-cartman, who rejoices in just one room and an attic, has so many broad acres added to his domicile, where he may take his family and snuff the fresh air as well as any other landholder. Is a library made free,—then Mr. Trott's tenement is enlarged; he has a library room attached, where he may go and loll on his arm-chair, and call for his book and enjoy his property. Is a gallery of art added,—then Mr. Trott's tenement is enlarged again. He has now his picture gallery, so that his house is quite a castle, with its park, and its library, and its gallery of art. Mr. Trott is a lord in all but name.

The demoralizing influences now prevalent in this country can be better stayed by such public institutions—gymnasiums, baths, libraries, galleries of art, museums, gardens of plants and of animals; by adorning our churches with paintings instead of damask, and having them open too; and by preserving our old historical memorials,—than by all the potent ethics put together that are trundled yearly through our land. There should be in every village in our land, and in every ward of our cities, inviting public places for old and young, rich and poor, male and female, where they can see books and paintings, pictures and statuary, and curiosities in art and science. And thus let us outbid the dram-shops, the billiard-rooms, and the saloons of vice and crime of every description.

CHAPTER II.

THE LATE CAPTAIN FUME.

My first experience in travelling by steam was in the boat first established on the eastern route, commanded by Captain Fume. The captain was what is called a "very smart man," and believed that there was nothing like making a little stir when he had anything to do. The getting his steamboat under way was generally made an event to be remembered by all mere landmen. The captain then felt in duty bound to work himself into something of a passion, be all over the boat, and make himself heard in all directions. There was running to and fro, and shouting down below, and hailing fore and aft, and a tremendous excitement all around. Meanwhile the affrighted passengers drew themselves into by-places and held their breath, believing that everything depended on Captain Fume; and that if he should stumble, or his voice fail him, the boat must inevitably be blown to atoms. For a long time it was thought that no one but Captain Fume could run a steamboat; and that the whole business on the eastern waters would die with him. In due time, however, the gallant captain was gathered to his fathers, and another reigned in his stead. Now you may make a dozen trips on the route, and hardly know when the



CAPT. FUME.

boat gets under way; and as for the captain, you will scarcely be able to detect him by the most diligent inquiry. He is the most unobserved man on board.

Since then I have seen a great many Captain Fumes. Sometimes I see the Captain in trade, and then how he prides himself on being always busy and in a hurry, and turning corners quicker than other people, and talking louder on 'change, and swearing deeper. Sometimes he appears as a financier, and then the world seems hardly able to wag without him. Committees of corporations wait on him from all directions, beseeching him to accept of presidencies and treasuryships; and they detect a certain metallic ring in his very coarseness; and regard his chair tilted back on two legs as an omen, that with him for president, their corporation will be able to stiver on, as it is, with half a foundation. The Captain has always been a great railroad man, and is said to be the inventor of preferred stock and mortgage bonds. Sometimes I see him on the bench, brimful of wrath and learning, carrying consternation and dismay into whole ranks of young attorneys and timid suitors, or clearing the docket at the point of the bayonet, and calling it doing business. Sometimes the Captain appears at the bar with his green bag and bushel of papers, looking very fierce, and bent on doing something very awful. His great talent lies in denying everything, badgering witnesses, talking loud, fighting right on after he is soundly whipped, and getting the most applause from outsiders as a smart lawyer, when he is doing most damage to his own case. Sometimes the Captain takes to politics, and then other people have little else to do but to stand one

side and hear his battle-axe ring on the thick bosses of the Constitution and the Union. He is very destructive in that capacity, and generally goes for staving something to pieces right away. Indeed, the Captain may be found in almost all of the various departments of business, ready to ignite at a moment's notice, and make a terrible ado, and run, and shout, and hail, and really think that he is despatching business.

Captain Fume is very popular with the multitude. He is thought to be a tower of strength. He creates a great impression on mere lookers-on. The very best and wisest of men shake their heads knowingly, and pronounce him "a very smart man." They believe in his rough points, it looks so much like strength. His very wrath they look upon as so much propelling power, and the noise and bluster as conclusive evidence that things are moving. But so much friction soon wears the Captain out. His friends, one after another, get gored by his rough points, and fall off. His oaths, after awhile, hardly generate steam equal to pitch-pine, and he begins to fall astern. His very protestations that he is over-run with business, and his constant hurry operate against him, as people learn at last to take him at his word, and deal with others who have more leisure. He goes off and goes up like a rocket; but then, unfortunately the similitude holds good all through, for he goes out like one, leaving his gaping admirers in the dark, with a chance of a stick on their heads in the shape of unpaid bills.

Your true business man is always quiet and well-bred. He understands the science of physics; that

there is nothing like lubricating a little where you want things to move on smoothly. Agreeable manners are in business what oil is to machinery. They obviate a deal of friction. The well cultivated man conducts his business with so little noise that those not specially dealing with him are apt to think but little of him, and know but little about him until they wake up some fine morning and find him clearly at the head of his profession. It is wonderful to see how little sound and fury there is in truly great men. You have only to look around you, where you are, and those who have won the race in their respective callings, and have put off their armor, will almost always be found to be as remarkable for their good breeding and modesty, as for their success.

CHAPTER III.

CANONICAL AMUSEMENTS.

THE leading, and almost only way of entertaining in New England, is through the medium of evening parties. Breakfast and dinner parties are comparatively of little account among us. Technically, these evening parties are supposed to be designed for social enjoyment. But how seldom does the spirit of the entertainment come up to the manifesto. Certain it is that as now conducted, they afford little enjoyment to those who give them, unless they find it in a total rout of everything about the house, and a general surrender of the premises to the commissary, followed by a dismal entailment of unsatisfied and unsatisfying bills. With most people here, a party is seldom ventured upon without long and patient meditation and family conference, nor perpetrated without being followed by hearty repentance. The statistics of parties here, showing the relative number of those having the ability who have ventured one, to those who have dared a second or third, would be very curious; and show, I think, that there are some things, after all, that are too much for Yankee courage.

There are a good many things that have concurred in bringing about this inhospitable, unsocial state of



CANONICAL AMUSEMENTS.

things. In the first place, the popular prejudice against enjoyments of all kinds, and against social enjoyments in particular, early tended to make us an unsocial people. Then, too, social culture was so much neglected that when the people did come together, few could enjoy it. It was under the pressure of such a state of things that our present practice of bounteous feeding at parties grew up. Indeed, for a long time, there was nothing else that one could do on such occasions that was really legitimate. Few could converse with any enjoyment to themselves or others; music, for a long time was a rare accomplishment, while dancing and cards were taboo and contraband altogether. But then, theologians, however they differed about the propriety of music, cards and dancing, all agreed that eating and drinking were entirely canonical, and hence the supper soon grew to be the leading feature in the social circle, infusing new life into all the company. What was wanting in joyousness, was made up in genuine heartiness; and what enjoyment social culture, wit and taste did not furnish, the pastry cook did.

It is to be regretted that, now, when there has been such a great improvement in our social enjoyments, and we have so many other and better modes of entertaining each other than our ancestors had, we should still adhere to the supper table as the very soul of the entertainment. It is very sure that the more refined the society, the less is there thought of it. The Hoosier greets his friends with a roasted ox; Pat, his, with a generous effusion of the tap; the sturdy rustic, his, with a bounteous hot supper; the American cit, his, with champagne and oysters; the

English gentleman, his, with more pomp and less oysters; while the Germans and French pay but little regard to all those, and rely on the social enjoyments of the hour. Wherever social enjoyments are considered a part of every-day life, to be provided for as they do for their other wants, extravagant outlays for what are sometimes quaintly called "creature comforts," are never made. The more people accustom themselves to entertain, the less they think of those things.

It is a common remark of well-informed strangers who visit us, that we do not appear to be a happy people. The remark is a just one. We are not a happy people. The truth is that all our plans are negative, not positive. All our energies are bent on warding off evils, instead of attempting to promote our own and others' happiness as a good in itself. Our houses are so fortified round about with moats and scarps and counter-scarps to keep out want, and make them appear formidable to the world, that they are little better than feudal castles that look down defiantly upon the passers-by, and warn off all sorts of guests, the sprightly, joyous and happy, as well as the rest. Some one has described the Englishman's idea of enjoyment as summed up in a "sea-coal fire, and doors well bolted against intruders." Ours is not much better.

Enjoyments are regarded too much in the light of luxuries that are only to be indulged in quarterly or semi-annually, rather than as something that belongs to every-day life. The sums that are now squandered in one of our annual parties, would, in the hands of a Parisian lady of taste and refinement, defray the

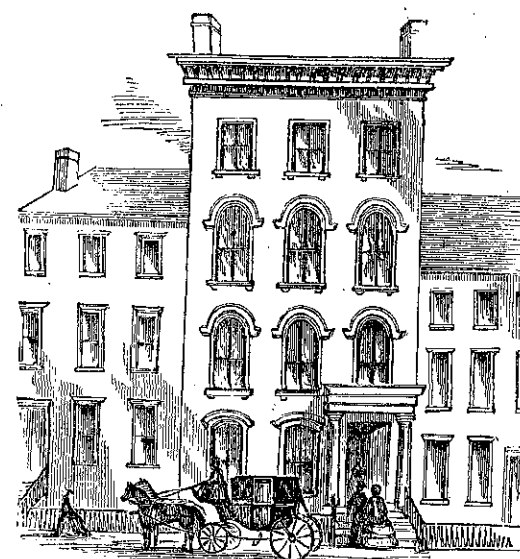
expenses of a round of social entertainments for a whole season. Our want of economy in those things arises from the fact that we have been taught to regard everything in the nature of enjoyment that ranges beyond food and shelter, sleep and a Sunday sermon, as something entirely useless, if not injurious, whereas the best course to pursue to make people better, is to begin by making them happier.

CHAPTER IV.

JONATHAN ON THE ROAD TO GENTILITY.

JONATHAN is clever at almost everything except gentility. There, his usual luck fails him. In all the ways, and even by-ways of business, politics and religion, Jot is seldom found lacking. But when he undertakes to sink the business man and affect the genteel, it is the least happy of all his efforts. He can easier achieve a poem or an oration. Indeed, it is seldom that you can take a Yankee much beyond his depth unless you take him into the drawing-room. There he seems too often to be entirely off soundings. The American eagle seldom looks less formidable than when hovering over the social circle. It is no more than justice to say, however, that Jonathan, though naturally a little vain and presumptuous, seems perfectly conscious of this, his principal weakness, and makes those occasions of solemn duty as few and far between as possible. It is seldom that the most heroic can be tempted beyond an annual party, and if he is doomed to put on the sable weeds, he does it with the more sad satisfaction that it not only serves to mark his present bereavement, but postpones for a year his annual trial.

I was mentioning this to my friend Blot, the retired accountant, the other day, as we were enjoying



JONATHAN ON THE ROAD TO GENTILITY.

together our tea and toast. As usual I found him, to use his own language, quite "posted" on it. The whole matter had been before the statistical society, of which Mr. Blot is an active member, and he immediately drew forth from an ancient drawer near him, a bundle of papers, from which he read me some curious results of their inquiries. For instance, it had been found that out of three hundred and sixty families that had taken decided steps towards perpetrating gentility, two hundred and ninety-four had set up on cash capital alone, thirty-one on ancestral dignity, twenty-two on official station, and the remaining thirteen only, on accomplishments of the head and heart. Mr. Blot remarked that the society had been the most struck with the prominence given to houses and horses in the race of gentility, they having found that ninety per cent. of all aspiring families commence their career in new and very much more extensive apartments, and that ninety-nine per cent. take to gentility and a fashionable turn-out simultaneously.

The minutes of the society were very full on many other points, and embraced a score of curious estimates; but, as I detest figures, I pass them over to remark that, from all I could gather, our gentility is an expensive commodity, having much to do with those authors of so many accomplishments, upholsterers and Paris milliners, and those pillars of fashion, confectioners and colored waiters. The statistics of the society seemed to fully substantiate that public station without material guaranty, and distinguished ancestry without a plentiful accompaniment of oysters and salad, are of no account in the fashionable world.

For all practical purposes, that it had been found that a grand piano and the last opera in the parlor are equivalent to any three of the graces, and that a carriage and pair stands for the whole troop.

Mr. Blot proceeded to dilate upon this national peculiarity of ours, and to deduce from it reasons for much of our financial delinquency and embarrassment; but, being myself a stanch protectionist, and bound to trace all our troubles of that kind to the unnatural license we give ourselves to trade where we can do it to the most advantage, I bade him good-night, and bowed myself out, fully convinced that making money the mark of gentility, instead of taste and social accomplishments, could have nothing to do with corrupting and impoverishing a people.



SKIPPER SINKER.

CHAPTER V.

SKIPPER SINKER.

MANY years ago, the favorite line of boats for fishing excursions was kept by Skipper Sinker, a veteran fisherman of the old school, who had outlived all of his contemporaries of the hook and line, and retired on three sail-boats and a dory. Many are the hours that I have laid in the stern of the Roving Polly, and listened to the Skipper's long yarns about boats struck down in sudden squalls; of long and hard pulls against wind and tide; of black and gusty nights, and foundered boats and missing comrades. And yet, the Skipper's faith in Old Ocean was as confiding as ever. For every disaster he was prompt to assign a cause. This comrade was rash, and carried too much sail; and that one was careless, and let his running rigging get foul. One was stubborn, and always at war with the winds and tides; and another was heedless, and hence always in their power. Indeed, the Skipper charged all the mischances of life to rashness, heedlessness or obstinacy, and was quite sure that his lost comrades would have fared no better on the land, but met shipwreck sooner or later there. So, for every nautical instruction he had a nautical disaster to give it point.

But when he was about to entrust us with a boat alone, then his admonitions came thick and fast. With

the great and little generals there came also a good and generous outfit of sage counsel and advice. It might then be truly said of him, that he gave line upon line, and precept upon precept. "Don't carry too much sail, boys," he would kindly charge, as he was handing in the canteen; "mind and improve the tide, for it's the best oarsman about," he would hint, with a wink, as he was casting off; and "trim your sails well to the breeze, my hearties, and keep your running rigging free," he would shout to us from the wharf as we were putting off.

Since then I have often thought that the sage Skipper's parting charge was as good for one meridian as for another, whether of the land or of the sea. For all along the voyage of life, wherever made, the fresh winds are constantly blowing, now filling the well trimmed sails of the watchful and prudent, and now flapping and flouting the half bent canvas of the heedless and indolent. And that there are indeed "tides in the affairs of men" is no more poetry than history.

When, therefore, I have seen ambitious young tradesmen extending their shops until they could hardly see from end to end without a telescope, I have felt tempted to shout through the keyhole, "Don't carry too much sail, boys, or you will run your craft under." And when, too, I have seen your heedless men loitering away the young flood of their lives, and evidently dooming themselves and their families to a hard pull by-and-by against the current, I have felt half inclined to hint to them kindly, "Mind and improve the tide, for pulling up against it is hard business." And then again, when I have seen your

men of business entering into entangling alliances, exchanging notes and kiting, I have often thought what a kindness it would be if some one would hail to them, "Beware of squalls, there, my fine fellows, and keep your running rigging free."

And so, too, when I have seen your wilful politicians, theologians, and philanthropists, with hearts set on carrying some darling object, obstinately refusing to take note of attendant circumstances, but with sails set just one way, and helm lashed, doggedly standing on the same tack day after day, without regard to change of winds or set of currents, I have felt tempted to shout to them at the top of my voice, "Trim your sails to the breeze, my hearties, or you will make Dead-man's-land before you know it."

Indeed, I seldom pass a day without seeing some one who seems to need a kindly hail from some safe and sagacious Skipper Sinker.

CHAPTER VI.

MR. BLOT GORED BY BULLS.

My mind has been much exercised of late with the case of my friend Mr. Blot, the even tenor of whose life has been sadly interrupted by two ecclesiastical bulls, fulminated within the present year. To appreciate fully the nature of his disaster you must know that when he resigned charge of the account books of the great commercial house of Boker & Co., and retired on a snug competency, his active temperament forbade his sinking into listlessness and idleness; so that Mr. Blot in the saddle in the morning, bathing, boating, skating or rambling towards night-fall, soon became settled habits, while a dozen other minor amusements filled up other hours of the day, making his life, as before, one of routine and diligence. Led by his taste for such accomplishments, he devoted considerable of his time to music, so that he had even taken upon himself the instruction in music and dancing of a large class of indigent children; was quite a leader at the gymnasium; presided at the organ in a feeble church; was consulted on occasion of childrens' festivals, merry makings, and excursions; was relied upon by several old cronies to help while away a winter's evening over the chess or checker-board; was considered an invaluable acquisition at the whist table; and at his boarding-house, he oftentimes



BLOT GORED BY BULLS.

set a whole bevy of juveniles dancing for hours together, with the inspiring notes of his viol. Indeed, Mr. Blot, of whom I have before several times spoken, was rather my beau ideal of a man of leisure of the *genus* bachelor.

Some week or two ago I called upon him, and found him sad and disheartened. His former cheerfulness was all gone. Where before I had always been welcomed with a smile, I was now only saluted with a sigh. The cause of all this was soon explained. An Orthodox ecclesiastical council at Gloucester, Massachusetts, had recently, while sitting in solemn conclave, found and declared dancing to be immoral, and all aiders and abettors therein depraved and hopeless sinners. And while smarting under the rod from that quarter, a Quaker ecclesiastical council sitting within and for the State of New York, had solemnly denounced the pianoforte as a device of the devil, and the owner thereof unworthy a seat with the elect.

Poor Blot! those two momentous bulls of sage and learned ecclesiastical councils of the nineteenth century, were too much for his devout, reverent and sensitive nature. They throw discredit on all his past life. His blotter, where he had tremblingly entered here and there a credit to offset so much of debit, was at last pronounced by theological accountants false and fraudulent. Where he had vainly counted on a balance stood an awful deficit. The same decree that outlawed his pianoforte, and disbanded his class, had consigned him to moral and religious bankruptcy.

Some of his friends, too, who I fear could not

appreciate the beauty of that simplicity which led him to acquiesce in those findings, as the voice of Heaven, had aggravated his disquiet by suggestions that those decisions were only part of a great whole; that all amusements of the same nature were to be denounced; but that to save the several denominations from each encountering the whole odium, these sins were to be denounced in detail. Each denomination was to select and denounce some one or more amusement, not under sentence by any other religious tribunal. Those friends had even gone so far as to name the *programme*, to wit: that the Baptists were to follow up the blows already struck, by anathematizing cricket and foot-ball; the Presbyterians, bowling and skating; the Episcopalians, chess and checker playing; the Catholics, flutes and fiddle-bows; the Methodists, battledoor and blind-man's buff; the Unitarians, hoop-driving and kite-flying; and the Universalists, jumping the rope and see-sawing; while the Orthodox and Quakers were to drive home their advantages already gained, by denouncing everything connected with the harmonies of sound or motion, so as to include an anathema against horseback riding unless at a square trot, and swimming unless at dog-paddle. I do not pretend to include the whole list as given me, because I find no reliable authority for the rumor that Mr. Blot's friends have so industriously circulated, although the action above related, of the two religious bodies named, affords reasonable ground enough to suppose that something of the kind may be contemplated.

In view of such a state of things, I found that my

friend had been casting about him for means of recreation and employment not likely to be the subject of ecclesiastical censure, and that he had hit upon catching fish, killing birds, hunting game, and the pleasures of a well spread board, as entirely canonical and legal; and so upon looking around, I found in place of his pianoforte stood an old fashioned side-board, bountifully covered, — where before used to hang his lute and viol, branched a pair of huge antlers, and on them rested fishing rods and fowling pieces. On his card table lay powder horns and shot pouches, while in the hall where the children were wont to move in merry measure, they were now romping in wild confusion with a brace of ill-bred, noisy pointers. Indeed, everything about him, in a few short months, had changed — strangely changed. The quiet, genial harmony of my friend's abode was all gone. The change had penetrated even to his very guests. Together with his lute and piano had gone those musical friends of his, whose rich melodious voices had joined with his own genial nature to lend a charm to his abode, seldom found in the homes of those who attempt life in *solo*. And when I came to note the air and conversation of his hunting companions, discussing fiercely the relative merits of different breeds of dogs and horses, I could stand the contrast no longer, and took a hasty farewell.

CHAPTER VII.

AUNT DIADAMA.

MANY years ago, in the days of my top and kite-hood, my father, being about to leave home, to be absent some considerable time, signalized the event by presenting me with a watch. It was none of your dumb watches, such as boys are generally treated to, but a veritable, outspoken, industrious little time-piece, that kept up a most tempestuous ticking day and night, and had its hands always full of work. It was when watches were not an every day commodity, and it made something of a stir in the neighborhood. The boys got excited about it and made daily pilgrimages to its shrine. The neighbors gossiped about it. Teamsters got wind of it, and drew up short, and let their cattle blow, while they consulted it. John, our man of all work, and Jim the boy, both fell dead in love with it, and became more than ever observant of the flight of time, consulting it often and thoughtfully, to see if it proclaimed any of those festival hours of the day, when the rake and the shovel might be legally laid aside for the spoon and the porringer. Amid all this adulation, however, there was one sceptic, one Mordecai, in the king's gate. Aunt Diadama refused to bow down and do reverence to the timepiece that I had set up. She not only refused to do it homage, but she was even severe



AUNT DIADAMA.

upon it, pronouncing its gold mere pinchbeck, and its time false and deceitful.

Aunt Diadama was one of your strong-minded women, who looked upon any dissent from her doctrines as downright perversity. However it might be with others, she herself claimed to be infallible. She was tall in person, and sharp in voice and outline, so that she was seen and heeded afar off. Disease and doctors fled at her approach. Bed-ridden invalids turned uneasy on their couches, as the watchword passed from mouth to mouth—"Aunt Diadama is coming,"—distracted with fearful forebodings of drenchings of herb tea; while juveniles crept into corners and formed desperate resolutions of resistance to inflictions of oil and senna. Order was legibly written on every fold of her carefully plaited garment; the higher law stood out cold and stiff in her well starched muslin ruff; and reform of all abuses, and that instant, too, seemed set severe between her thin compressed lips.

Now long before the advent of my watch, Aunt Diadama had set up a sun-dial on the window-sill, and soon my watch and her sun, (spell that latter word with a *u*, if you please, for Aunt was a maiden lady,) were at logger-heads. When my watch said "twelve pon honor," her sun would speak up and say, more likely than not, contemptuously, "no, half-past eleven," or, "wrong, just one," or something of that sort flatly contradictory. At first my watch carried the day; but I soon learned that it was all idle to pit one little feeble piece of mechanism against such a model of abstract principle, and undeviating rectitude, as the sun. Now, a neighbor would lose the coach, at the

village, by too implicit faith in my watch. And now another and another, would fail to come up to time from the same misplaced confidence. Friend after friend dropped away, until at last I myself began to distrust it, then I came to detect it, in its short comings, and at last I was forced to openly side with Aunt Diadama and denounce it. Aunt could never endure error anywhere, and much less in my watch; since towards that she had conceived a special hatred, and she was for lynching it at once.

On my mother, who was gentle and conservative, and who in the palmier days of my watch had kept aloof from either faction, now fell the whole burden of defending it. "You ought not to expect it to be perfect," mildly suggested my mother. "Then where is the use of it," inquired my Aunt, tartly, who was a religious believer in perfectability, and severe on error wherever found. "Wait awhile and see if it cannot be repaired and regulated," urged my mother mildly. "Regulated! Fiddle-de-de!" ejaculated my Aunt, sharply. Poor woman, she was thinking then of the attempt she made in her youthful days to do a little regulating herself—to wit, to regulate a young rake who was paying his addresses to her, and the reminiscence made her spiteful. "Once wrong always wrong," was her motto ever afterwards. "It will only take a week or two," pursued my mother coaxingly, who knew my Aunt's weakness. "Why not say a century and done with it," grimly responded my Aunt, who abominated all delay. She was always for having things set right at once—"now or never." "Send it to File, the jeweller," said my mother, addressing me. "No," screamed my Aunt, now thoroughly

aroused, fixing her gray eye severely upon me and gesticulating with her bony finger, "let us regulate it ourselves. Those who have the wit to detect errors are just the ones to correct them," said my Aunt, determinedly, as she took the little watch and laid it on the table for instant dissection.

Aunt Diadama, in the view of all of us, had clearly vanquished my mother. She had not only talked twice as long and much faster than my mother, but had laid all down, too, with ten times the emphasis. There was no resisting such eloquence and determination, and the work of dissection had therefore to go on. Aunt was always for probing the disease to the bottom, and hence decreed that the watch must come to pieces. And so at it we went. No jeweller could have done it with greater celerity. John and Jim were as handy as the greatest experts, and as for Aunt, to say nothing of myself, the facility with which she took part from part, and laid the whole in fragments about her, elicited unbounded applause. John declared that he should live and die in the belief that she had spent all her days making watches, so very handy was she in taking them to pieces.

It was only in the work of putting it together again that we experienced any difficulty. Though civil and polite at parting, the machinery seemed bent on never coming together again. No two pieces of it could be prevailed upon to agree for five minutes. No sooner did one wheel get affable, and consent to go into place, than another got angry, and insisted upon coming out. So soon as one thing came out of the sulks another went in. Did one screw begin to take, and work kindly, then another would hang back and grow

dogged. If one post came to a sense of duty, and concluded to stand up, it was only the signal for half a dozen others to mutiny and tumble down. If anything did go in, it went in under protest. Indeed one half that came out of the case seemed bent on never going back. At last, after days and days of puzzling over at, Aunt Diadamas' patience became exhausted. She pronounced it a cheat, and sent it off and sold it to File, the jeweller, for raw material. Afterwards, our village schoolmaster bought an admirable little time keeper at File's, looking marvellously like my little culprit, but no amount of evidence could ever convince my aunt that it was made out of the perverse materials that we parted with.

Since then I have often been reminded of my spare and spunky aunt. Anniversary week, when most of our institutions undergo their annual scrutiny and tinkering, is sure to bring her vividly to mind. I see her then in your higher law orator, who can brook no defect in anything, and is for dashing in pieces the most elaborate and cherished of human institutions that has a moat on it. I seem then to hear a gentle voice chiding him as thoughtless and irrational, and exclaiming, in the language of my mother, "You ought not to expect it to be perfect." I see Aunt Diadama, too, in your impatient orators, who seem to forget that it takes time to perfect any, even the least of God's works, much more those of man, and who are for obtaining results right off—immediately—reaping before they have fairly sown. I feel then sometimes like quizzing a little, and quietly beseeching them to grant a little time, a week or so, to change a national institution or habit, say as long as

it would take to regulate a watch. But, of all places to bring my aunt to mind life-like, give me the legislative hall. I see her there in your reformers of the intense and universal school, busied about affairs of State, knife in hand, dissecting the Constitution, pulling the Union to pieces, and taking things apart generally. I cannot help then ejaculating, mentally,—“There is Aunt Diadama regulating my watch;” and I am sorely tempted to break over the usual limits of decorum, and shout lustily from my perch in the gallery, “Hold on, there—hold on—don't start another peg. It is all very pretty pulling those things to pieces, and you may be very handy at it, but let me tell you, ten to one you never get them together again. Take warning from Aunt Diadama, and if anything goes wrong call in an expert.”

CHAPTER VIII.

LUCKLESS WIGHT.

JONATHAN has always been supposed to have set up business on an exceedingly small capital, in the way of reverence for old usages and hoary-headed dogmas and customs. But there are few without their weaknesses, and Jonathan has his. In spite of all that can be said or done, Jonathan loves the old common law. He absolutely reverences its old musty maxims that come down to us in barbarous law Latin, and fairly dotes on its immemorial usages and its antiquated customs. Nay, he has even a lingering fondness for its very infirmities. He is told again and again of its old feudal origin; that it is made up of wise sayings and doings in a medley of courts extending from the dark ages to the time of the American revolution, held by all sorts of mortal men for magistrates;—that it is a compound of grave decisions in Courts Baron, held by fox-hunting lords, far more expert with a spear than a pen; Piepowder courts, held by dusty clerks of country fairs to settle disputes happening there; courts of chivalry, held by doughty knights-errant to settle points of etiquette in arms; whole swarms of ecclesiastical courts, held by grave and reverend clergymen in gowns; half a score of special courts, held by the king's stewards and other knights of the cup-



LUCKLESS WIGHT.

board to settle disputes in the king's household; prerogative courts, held by archbishops in lawn to distribute the estates of the dead; chancery courts, held by courtiers in bagwigs to do the same for the living (who might as well be dead, as far as ever getting any good from that court was concerned); courts of the universities, held by mousing book-worms to settle disputes among scholars; courts martial, held by fierce men in epaulettes and cockades to settle disputes in the army; and courts of admiralty, held by lordly old admirals to do the same for the navy; courts of request, held by lord mayors, courts for merchants, courts for miners, courts of star chamber, courts of appeal, and courts of peers;—tell Jonathan all that, and gently insinuate that not one in ten of all those magistrates knew as much of law as a Yankee boy at ten years of age, and that the common law is a compound of the whole of their determinations simmered over for ages, and he only whittles the faster and believes the more. Point him to the old fabric, crumbling with age, with its foundations laid in barbarism, built upon, age after age, by Celts, Picts, Scots, Saxons and Normans, to accommodate all sorts of people and institutions—serfs, vassals, lords, kings and cardinals,—and yet Jonathan clings to the old crazy, tumble-down mansion, and delights in nothing so much as to hammer about it, driving a nail here and stopping a leak there, shoring it up every time the wind blows, and fussing about it generally. Not a year passes without a whole batch of improvements upon it, so that now it is a sort of feudal castle, with its portcullis, moat, drawbridge, donjon-keep, and round tower, with a

modern *boudoir* clapped on in one place, a conservatory hung out in another, and a score of other little additions hanging to its sides in all directions, with kitchen ranges, gas fixtures, water works, and all sorts of modern inventions encircling its old dingy halls and antiquated stairways.

I once met, however, with a man who professed to have lost all reverence for the common law. He was a sharp-visaged, wiry-looking man, turned of fifty, who once had been a landed proprietor, but was then pursuing the less ennobling occupation of a peddler. His story embraced an account of some half a score of sharp lawsuits that he had had, in the course of which he had lost both his reverence for the law, and his property. As his experience seemed to illustrate quite clearly the practical workings of the legal compound that we have adopted, I jotted his story down as well as I could, as he gave it before a roaring fire at a country inn, on a winter evening, and here give it for general edification.

Luckless Wight, for that was his name, may be said to have inherited a most hearty reverence for the common law, for his father had held a five pound court, and his grandfather had written *quorum unis* after his name for time out of mind. But Wight's faith in the common law was destined some day to be shaken. It happened after this wise: Wight had purchased an estate, not the least of its attractions being that it was bounded north on the county road, east by land of Job Stiles and a bill in equity, south by land of Richard Johnson and a disputed line, and west by land of Peter Plight and a standing quarrel. Wight first

encountered his neighbor Plight alone on a back-wood lot. They first proceeded to words, from that to blows, and then from that they proceeded, by a very natural transition, to law.

COMMONWEALTH v. LUCKLESS WIGHT.

The battle being ended, both ran, with their wounds upon them, for justice. Wight carried his case before Mr. Justice Wiggs, and Plight went before Mr. Justice Rugg. Each in his complaint alleged that the other made the first assault. Each succeeded in obtaining a warrant for the other. Wight was taken into custody and tried first. And on his trial, Plight was the only witness in the case. No one but the two parties having been present at the time of the conflict, Plight, being sworn, had everything his own way, and testified glibly that Wight made a most savage and unprovoked assault on him, he, Plight, being then and there in the peace of the commonwealth; and Wight attempting to speak and give his version of the affray, was snubbed by the constable, and commanded "silence" in unutterable majesty by the court. And then how were a whole crowd of listeners edified, instructed, and improved, when the court explained how, in the ineffable wisdom of the criminal law, the question which of two disputants, like the said Wight and the said Plight, should be admitted to testify as a witness, entirely competent, and which should be struck speechless, as entirely and hopelessly incompetent, depended on their speed, the one arriving at the office of any given justice, and making his complaint first, being the privileged party. And His Honor then

having explained to the poor dispirited Wight, that he, being the accused in the said case, was taken and deemed to be no more nor less than an unmitigated perjurer, incapable of throwing any light on the assault and battery complained of, and hence totally incompetent as a witness, until the contrary might be established by the finding of the court, (viz., until his evidence could be of no use to himself or anybody else.) And how, on the other hand, the said Plight having outran him in the race for justice, and having made his complaint first, however great his ill-will towards him, and however interested in getting him convicted, is taken and deemed in law to be entirely reliable and veracious, and therefore a competent witness to all intents and purposes, until the contrary is otherwise clearly shown and proved, (viz., until it is too late to mend the matter one way or the other.)

And so Plight having testified to everything that made against Wight, and denied everything that made against himself, and Wight having been snubbed and put down, and the justice having heard all of one side of the case and none of the other, pronounced it an exceedingly clear case, and Wight was found guilty, and fined smartly.

After which, there being no further business before the court, a little man in black, with a very piping voice, hemmed in by a little railing in the corner of the court room, sprang to his feet and uttered in an authoritative manner—"O yes, O yes, all persons having anything to do before this honorable court will depart hence, this court being adjourned without day; God save the Commonwealth of Massachusetts." And the people did depart hence, forthwith, appar-

ently in the full belief that God would save the commonwealth, which, under the circumstances, was, to say the least, taking a very hopeful view of the subject.

COMMONWEALTH v. PETER PLIGHT.

Then came on before Mr. Justice Rugg the case of the Commonwealth against Peter Plight, for an assault and battery of Luckless Wight. And here Wight had everything *his* way, and Plight was snubbed and put down. And Wight told just how Plight assaulted him, and just when and where he struck him, and how he did it; and Plight attempting to reply and give his account of the matter, was rapped over the head by the constable, and frowned upon by the court, and commanded "silence" by both of them; and the judge thereupon gave Plight to understand, that in the criminal law, as in milling, "first come first serve,"—that the complainant was in the eye of the law the friend and customer of the court, and in consideration of his bringing grist to that hopper was specially privileged, and *pro hac vice*, was taken and deemed to be entirely trustworthy, whereas the accused was for the time being taken and deemed to be no more nor less than a great rascal, who would incontinently lie, and that continually. And that hence the complainant was a competent witness in the case, and entitled to tell all he knew about it, while the accused, who, it was well enough known knew all about the case, was incompetent to give any testimony whatever.

The reason of the rule having thus been given, and the wisdom, equity, and righteousness of the law

having been duly vindicated, the court was clear that Plight had made a most unprovoked and criminal assault on Wight, and fined Plight accordingly.

So Wight having been formally and legally found guilty of making a most criminal and unprovoked assault on Plight, and Plight having been duly found guilty of having made a most criminal and unprovoked assault on Wight, and each having been duly found to have commenced the affray, and to have struck the first blow, and that, too, according to well-settled rules of evidence, and on the most uncontradicted of testimony, they both, with their friends and admirers, returned to their several homes very much edified.

LUCKLESS WIGHT *v.* PETER PLIGHT.

Those proceedings being ended to their mutual discomfiture, both parties rushed pell-mell into the nearest civil court to settle their civil rights and obtain damages for their wounded eyes and honors. So Wight sues Plight, and Plight sues Wight, each alleging that the other commenced the assault and struck the first blow. The suit Wight against Plight was called first. Wight there, as in the criminal prosecution, took the stand and attempted to tell the court and jury how the affray commenced, but when it was ascertained that he was no other than the veritable Wight that was claiming damages for the assault, the whole court were overwhelmed with horror, and Wight was threatened with commitment for contempt by the court, and was jeered at by the bar, and was hustled rudely from the stand by the constable, and

then both Plight and Wight are made to understand that the common law deems it the surest way to search out truth to exclude the testimony of the parties to the suit who are supposed to know all about the transaction, and wisely set them to prove their case by others, who are supposed, if they are no meddlers and mind their own business, to know nothing about it.

So Wight calls all of his friends, and as they saw nothing of the affray, they can only tell what Plight admitted about it, and then Plight calls all of his friends, and they testify what Wight had admitted about it. When all that had been done and was ended, the court charged the jury, and instructed them that the burden was on Wight to show that Plight commenced the affray, and that if they were left in doubt on that point they must find for Plight; and the jury having been left in great doubt on that point, and for a very good reason, as no one had been allowed to testify who knew anything about it, they find Plight "not guilty," and so Wight is mulet in costs.

PETER PLIGHT *v.* LUCKLESS WIGHT.

Then Peter Plight against Luckless Wight is called, and there the burden is on Plight to satisfy the jury that Wight commenced the assault; and his witnesses throw no light on it, and the Judge charges that if they are left in doubt of Wight's guilt, then he must be acquitted; so the jury find Wight too "not guilty" of the assault, and so both are acquitted of it, and go home with their black eyes, sadly perplexed as to where they got them.

Now when Luckless Wight had seen how he, Wight, had been found guilty of commencing the assault on Plight before one tribunal, and how Plight had been found guilty of commencing the assault on him, Wight, before another tribunal, and how each of them had been entirely acquitted and exonerated of all charge of having commenced any such assault before another tribunal, and had seen how formally and methodically and scientifically it had all been done, he was fain to confess that the ways of law as well as of Providence are strangely mysterious. But like all other mysteries it only baffled Wight to lead him on.

RICHARD JOHNSON v. LUCKLESS WIGHT.

It never rains but it pours; and so thought Luckless Wight when he had returned from court, discomfited and forlorn, and found a very polite, yet still a very importunate note, from the justices of the County Court, addressed to him "greeting," wherein he was very coolly, yet very decidedly, requested to appear before them and answer to the suit of one Richard Johnson, who demanded one rod more or less of his, Wight's, land. That missive needed no very learned interpreter. Johnson had long before laid claim to a hand's breath and better, of Wight's land, for an indefinite extent, alleging that a former owner of Wight's estate, one Jonathan Slow, had years before moved the division fence between their lands over on to his, Johnson's, land, so as to take in one rod, at least, of his land. Now Jonathan Slow, full of years, had long since slept

with his fathers, and his two sons had sold their patrimony and departed. So Wight lost no time in seeking them out, and taking their testimony; and they, nothing loth, testified that they were born and bred on the estate, and knew the division line well, and that there had not been any such removal, and how they knew it and all about it, so that Wight was quite elated, and saw in his mind's eye the crafty Johnson ignominiously beaten, and returning from court crestfallen and discomfited, and himself triumphant, the idol and admiration of the crowd.

Afterwards when the friends of Wight were perplexed with doubt about the issue of the case, because Johnson represented that one Edward Bunker had seen the whole thing when it was done, and knew all about it, and intimated as much as that he himself was not far off at the time, Wight expounded the law to them; how Bunker had since that time been convicted of burglary, and was then tight and strong in prison, and so was counted infamous and unworthy of belief; and how Richard Johnson, being a party to the suit, was counted, for that reason, infamous also, and unworthy of belief, and so neither of them could testify; Wight's friends were perplexed no longer, but were straightway moved with wonder at the singular moral effect of litigation in thus bringing the convict and the suitor at once upon a level.

Shortly after came on the trial of Johnson against Wight. Johnson's lawyer opened his side of the case, and called for his witness Mr. Edward Bunker. And how was poor Wight amazed when forth stepped the identical Bunker, looking very pale and very conscious that everybody was staring at him, and took

the stand: and how was Wight tempted to ejaculate "we have you there," when his lawyer objected to Bunker as a witness on the ground that he had been convicted of felony; and how was Mr. Wight elated when the court nodded assent to that; and then how was he as suddenly depressed, when Bunker produced a pardon from the Governor; and Johnson's lawyer having rubbed his hands, and said he *believed* that that little instrument restored Mr. Bunker, and made his testimony competent, the court nodded assent to *that*, and ordered him sworn.

And how were all lovers of truth and justice edified and improved while Mr. Bunker testified to everything that made for Johnson, and was quite oblivious and forgetful on all points that made for Wight, and recollected all about the fence having been removed, and made a clear case for Johnson, and left no case at all for Wight, and retired from the stand very red in his face, and very much excited.

Then came Wight's turn. He having offered the depositions of the Slows, Johnson objected, and Wight demanding why, Johnson replied they were interested and Wight demanding how, Johnson replied that Jonathan Slow sold the estate to Higgins, warranting the title, and Higgins sold to Brown, and Brown to Wight, and so said Jonathan's heirs were liable to Wight for any failure of title, and the court nodded to Johnson, and said clearly the Slows were interested and therefore incompetent witnesses: and Wight's lawyer read from the deposition to show that the Slows testified under the belief that they were *not* interested; and further, that the land in dispute was of no value; but the court ruled all that out

as irrelevant, and laid down the law on a solid basis, that an interest of one penny in the event of a suit as effectually disqualified a witness, as an interest of millions, and that, too, though he might not know or believe that he *was* interested.

The testimony of the Slows being excluded, and there being no further testimony, and the court having instructed the jury that if they believed Bunker, then Johnson had made out his case, and that they must believe Bunker unless there was some substantial reason for disbelieving him, and that the fact that he had been convicted of an infamous crime, was no reason at all for disbelieving him, the jury deliberated, and considering themselves bound *legally* to believe what they *did not* believe, returned a verdict for Johnson, and found that the division fence *had been moved*.

STATE v. BUNKER.

Now when Wight was disheartened, and would have returned home cast down, he was comforted exceedingly by his attorney, when he informed him, Wight, that he had lost nothing, but that he had his claim over against the Slows for all his damages, on their father's warranty of the title, and that by bringing his suit against them he shut out their testimony, and left him to prove his case as Johnson did his by Bunker.

So Wight sues the Slows and lays his damages at two hundred dollars. While that suit is pending, the Slows having taken counsel, complain of Bunker for perjury, alleging that he swore falsely in testifying

that the division fence had been moved, and got him indicted, and on the trial, Bunker is not allowed to tell the jury *anything* about the fact whether the fence *had* been moved, and both the Slows, though acknowledged to be deeply interested in getting him convicted and thus shutting out his testimony in Wight's suit against them, are allowed to tell the jury *all* they know about it, and no further testimony being produced, the court having instructed the jury that if they believed the testimony of the Slows, then the fence had not been moved, and so Bunker had sworn falsely, and that they must believe the Slows unless they found some substantial reason for disbelieving them, and that the fact that they were interested in the event of the suit was not of itself any reason in law for throwing out their testimony, the jury found Bunker guilty, and so found that the division fence had *not* been moved, and Bunker was once more sentenced to prison.

LUCKLESS WIGHT *v.* SLOW *et al.*

Then came on the case of Wight against the Slows, and Bunker having been convicted and sentenced, the court ruled out his testimony, and the Slows being parties to the suit, their testimony was excluded, and thus the only three witnesses who by general consent knew anything about it, being declared incompetent to testify in the case, Wight was driven to the wall, and was obliged amid much merriment to become nonsuit, and retire ingloriously from the field without striking a blow, and besides had to pay the Slows their costs.

Now when Luckless Wight had taken this his second lesson in the rules of evidence, and had seen how before one tribunal it had been found that the division fence *had* been moved, and how before another tribunal it had been found that it had *not* been moved, and how before a third it was impossible to find out anything about it; and how at each trial there were three witnesses who professed to know all the facts about it, and how on the first trial Bunker was admitted to tell the jury all he knew about it, and both the Slows were not allowed to tell the jury *anything* that *they* knew about it, (being found interested to the value of a pistareen, though they did not know it;) and how on the second trial of the same fact, Bunker was not allowed to tell *anything* that *he* knew about it, and the Slows (though admitted to be deeply interested in the event of the suit, and very conscious of it, too,) were allowed to tell *all they* knew about it; and how on the third trial neither of the three were allowed to tell anything that they knew about it. Luckless Wight was lost in astonishment. He even felt his idolatry for the blind goddess giving way, and a lingering suspicion creeping into his mind that that bandage was not all right, and that Madam was inclined to administer Justice a little *too blind* sometimes.

STILES *v.* WIGHT.

When our fellow traveller, the unfortunate Luckless Wight, had thus far brought his narrative of legal mishaps to a close, he sat puffing away at an old tobacco pipe, mute, and apparently moody, for some

time. It was a blustering night without, and as the rain drummed against the windows and the wind sighed around the house and rushed down the chimney, some half dozen of us had gathered the closer around the fire, and listened the more attentively. The speaker had evidently enlisted the attention and sympathies of our circle not a little. One of the number, a very seedy-looking gentleman, with a quick and restless eye, and an interrogative turn to his nose, had shifted his position with a sudden jerk, like a puppet in a play, at every turn in the narrative, and had come in with an earnest "well," so inquiringly whenever Wight seemed to flag in his story, that he evidently was taking our friend over a longer road than he was intending. The pause seemed to add to the frequency and violence of our inquisitive companion's contractions, till, after several ineffectual attempts of his to awaken Wight's attention by administering gentle stirs to the fire, and getting off, now and then, little inquisitive coughs, he ventured to come to the point, and so addressed him with the inquiry, "Well, Mr. Wight, what became of the bill in equity?" Wight, being thus appealed to, knocked the ashes out of his pipe, returned it safely to his vest pocket, and continued his narrative.

As I have before intimated, I am not able to give the narrative in Mr. Wight's own words. Indeed, he was often quite digressive. Seeing us remark his careful mode of disposing of his pipe, Wight took up his story at that point. It seems that he had gone home from his last defeat quite chop-fallen, yet very stubborn, and resolved on having justice, cost what it might; had taken his accustomed pipe, returned it to

its familiar depository, and had thrown himself on a couch for a little repose, when on a sudden he awoke with a fearful burning sensation in his left side. Wight recollected that there was a contagious and fatal disorder then prevalent, and that that was the premonitory symptom, and Wight's heart died within him. Instantly all his misdeeds passed in review before him, like a seven-mile mirror, but not half so attractive, and Wight shuddered, particularly when along came in solemn files, all bound in red tape and nicely labelled, the papers in "Stiles and Wight in equity." As Stiles and he were brethren and disciples in the same fold, Wight's heart smote him for continuing the strife; so Wight, though no papist, made a solemn vow, that if his life was spared, he would yield to Stiles all he claimed, which was about half of his, Wight's estate. Wight having done that, groaned audibly and called for help; and help arriving, it is soon discovered that Wight's pipe had set his pocket on fire, which being speedily extinguished, Wight is pronounced out of danger. True, however, to his vow, made *in extremis*, Wight lost no time in waiting on his brother Stiles, and freely offering to yield to him all in dispute, and both lost no time in going to the conveyancers to have the papers drawn.

Now when Wight and Stiles had explained to Mr. Square the terms of the compromise, and that Stiles was to have one-half of the Wight estate, and Wight had seen how minutely he entered into the matter, and how clearly he understood it, and how many papers he handled over to get the right one, and how many books he examined, and how cautious he was in dotting his i's and crossing his t's, and how he drew

red lines through all the blank spaces, so that no naughty man could interpolate, and how he tied up his papers with red tape, and confined their ends with wax and affixed Wight's seal, and took Wight's acknowledgment, and looked sharp at him, too, when he did take it, as though he would know whether it was his "free act" or whether he was only shamming, Wight was filled with admiration for the little conveyancer, and felt grieved that he had not known him sooner. So Wight placed implicit reliance in Mr. Square, and signed any and all papers that he told him to sign, and Mr. Stiles having signed any and all papers that he told *him* to sign, both parties went home with their pockets very full of papers and very happy.

Very soon, however, it got noised abroad that Luckless Wight had conveyed his whole estate to Job Stiles; and that coming to the ear of Luckless Wight, he becomes very wroth, and contradicts it very indignantly, and very emphatically, but all to no purpose, for the Paul Pry of Twinkleton had inspected the record and knew all about it; and so the dispute running high, Luckless examines for himself, and turns pale with affright when he finds that it is even so. No time is lost in conveying that intelligence to Mr. Square, who derides the whole story as "fabulous, entirely fabulous;" and the bottles of red ink, and the box of red tape, and the stick of wax, and the little taper to melt it with, and the huge shears with jaws distended like a grim mastiff, all concur, and seem to be joining Mr. Square in full chorus, and saying very audibly and very decidedly, "fabulous, entirely fabulous!" Yet so it was, and Mr. Square

having inspected the deed for nineteen successive times, and refused each time to believe his own eyes, broke completely down on the twentieth, and admitted that for once he had fallen into an error, had taken the boundaries from the wrong deed, and conveyed to Stiles the whole estate of Wight, when he intended to convey him only *one half*.

So Mr. Square makes haste to call on Mr. Stiles, and in the most bland and conciliatory manner acquaints him with the trifling error that he has fallen into, and requests Mr. Stiles to allow him to correct it. Now, Mr. Stiles was a man of few words, and many lawsuits; so when Mr. Stiles had heard Mr. Square through, and had apparently feebly comprehended the fact that the individual addressing him was a reality, Stiles took a general survey of the heavens, and then a particular one of a little bantam weather-cock on his barn, and having apparently settled the great point that was laboring in his mind, expressed the opinion that there was a storm brewing, and that he, Mr. Square, had better make haste home and attend to his own business or he might catch it, and so wished him a very good morning. Mr. Stiles was clearly right in his opinion, for a storm was brewing, and did break over Twinkleton in no time after Mr. Square had reported progress.

The whole town declared for Wight. The little conveyancer was elevated to the post of a first-rate hero forthwith, and delegations of citizens were for days and days constantly arriving at his dusty little office to gain reliable intelligence about it, and departing from it richly laden with food for gossip; while the children flattened their noses against his windows,

vainly trying to catch a glimpse of his tape and scissors. Wight against Stiles was tried, and decided over and over again, and always with one result. At the corners of the streets, in the village bar-room, by the wayside, and at the sewing-circle, whenever and wherever Wight and Stiles came up, victory declared for Wight. It was a clear case of mistake. Mr. Square said so, and he was above suspicion. Besides, in a suit to correct this mistake, Wight and Stiles would be not only both interested in the event of the suit, but would also both be parties to it, so on both these grounds would clearly be incompetent witnesses. All that was as clear as day to everybody, for they had all been profoundly impressed with those two truths in the great cases of Plight and Wight, Wight and Plight, and Johnson and Wight. So having settled that neither Wight nor Stiles could testify in this case, and that *Mr. Square* could, and that he knew all about it, and no one would dare to doubt his word, Wight was declared victor by acclamation, and all that remained was for the court to record the verdict.

LUCKLESS WIGHT *v.* STILES.

So Wight rushes in hot haste to law. But how is he startled when he finds that all his previous lessons in the rules of evidence fail him here; and that whereas in his previous suit, the court absolutely forbade his telling the court and jury anything that he knew about the case, one way or the other, now the court absolutely forbade his coming into court at all with his case, unless he would first sit down and tell

the court fully and particularly, not only all he *knew* about the case, but all he *believed* about it; and then again, how is Luckless astounded when he learns that Stiles, yes, the veritable Stiles, who is striving to cheat him out of his land, is not only privileged to come into court, and tell all he *knows* and all he *believes* about the case, but is absolutely commanded to do so. So Wight brings his bill in equity, alleging the terms of the compromise to be one-half of his estate; that he and Stiles so understood it, and so stated it to Mr. Square, yet that the latter, by mistake, wrote the conveyance for the whole estate; and praying that the said Stiles answer the same, all and singular, under oath. And said Stiles did answer the same, all and singular, and made clean work of it too, and everything that Luckless had sworn to, Stiles denied, and so they joined issue. Then came on the trial, and Mr. Square being sworn, corroborated everything that Wight said, and flatly contradicted all that Stiles said, and Wight once more seemed to mere mortals to be getting on quite swimmingly. But how was Luckless Wight, and all of Luckless Wight's friends, astounded, when, the case being ended, the court summed up, and having found that all that Wight had alleged in *his bill*, Stiles had denied in *his answer*, laid down the law as undeniable, that in equity, nothing short of the testimony of two witnesses is deemed sufficient to establish any fact alleged by the complainant, and denied by the respondent; and as in this case there was only one witness to control the testimony of Stiles, so it was clear that Wight had not made out that there had been any mistake in the matter, and Wight's bill was dismissed, and he was mulct in costs.

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Now, when that result was made known at Twinkleton, there arose great commotion in the church of which Wight and Stiles were bright and shining lights, and on Wight's complaint being made, they forthwith meet in solemn conclave, and then and there have Stiles before them, and proceed to retry the question whether or not Wight had by mistake conveyed to Stiles more than he intended to do, and whether Stiles in good conscience ought to reconvey it. But there arose among them a great controversy, one party declaring for the rule prevailing in criminal tribunals, excluding the testimony of accused parties and so hoping to exclude the testimony of Stiles: and another party declaring for the rule prevailing in civil cases, excluding the testimony of interested parties, and so hoping to exclude the testimony of both Wight and Stiles.

Another party, headed by the tallow chandler, repudiated the doctrines of both of those parties, and declared for admitting the testimony of any and every one that could throw any light on the question; and most of the members being mere mortal men, and no lawyers, and quite devoid of science in the matter, and wholly unsophisticated, took sides with the tallow chandler, and declared for light, and so light being let on in all directions, Stiles told his story, and that was put in one scale, and Wight told his story, and that was put in another scale, and then Mr. Square told his story, and that being all on one side, and that being Wight's side, was put in Wight's scale, and so Wight's scale came down with a bounce, and Stiles's

scale kicked the beam, and Stiles was found guilty. So the church found that there was a mistake, and that Stiles ought to have corrected it.

Mr. Wight having paused there and taken out his pipe, our seedy friend, who had been silently expanding under the genial influence of the ecclesiastical trial, came together again with a snap like a double-bladed knife, and said, "Well, did it end there?" "No," says Wight, applying a coal of fire to his pipe, and taking a whiff or two to make sure that it was alight, "the court proceeded to eject me from my home because Stiles claimed it rightfully, and the church proceeded to expel him from church, because he claimed it wrongfully." "But," said our inquisitive friend, "hadn't you an action over against Mr. Square for damage, for not doing his work properly?" "Well," says Wight, "yes, I might have had an action against him, but in that case neither Mr. Square nor I could have testified, and Stiles would have been the only witness, and he would have been against me, so I thought it best to let him alone. I believe, however, there was a small crop of slander suits grew out of the transaction."

CHAPTER IX.

MANNERS.

A PLEASING address is one of the master influences. It is more potent, as a means of advancement, than birth, riches, or power. It does more to promote happiness than all other influences combined. Until we have become hardened by exposure, we are as sensitive as the aspen to the least touch of ill-manners. Your bluff people, who make a mock of refinement, do not dare to carry their principles into the nursery. The child will not tolerate such a doctrine for a moment. Whoever courts his acquaintance must do it with all the delicacy and grace that he can master. As we grow older, other influences are brought to bear upon us. We tolerate the coarse Mr. Grater, because he is in power; endure the uncouth Mr. Burly, because he is wealthy; and actually laugh at the sour sarcasms of Mr. Crusty, because we have got used to them, and because everybody else does. But our hearts always remain loyal to their first love. There is nothing wins upon us like engaging manners. We sacrifice almost every other consideration in life to enjoy the society of those whose manners please us. Our likes and dislikes are almost always founded on them. The most fatal shafts in Cupid's quiver are winning ways. Miss Fanny elopes with her father's well bred, penniless clerk, with nothing more promis-

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ing in prospect than an enraged parent, and an attic, rather than endure the clownish Mr. Bullion in a palace.

The world has been pretty uniformly governed by men of pleasing address. It is men of that stamp that are usually selected to guide and govern. They preside in our deliberative assemblies, occupy the chief posts of honor, are relied upon in difficult emergencies to persuade, and are put forward in times of sharp conflict to conciliate. In tracing back the history of public men, it is true, we find enough of coarse and rude nature in public life, but they are generally found stationed at the outposts, as commanders in the field, or subordinates in duty. The one, two, twenty, hundred or more, who constitute the central government, who plan, direct and are responsible for all, are generally no more at the head politically than they are socially. The first gentlemen of the age are generally those at the head of the government. It is so now. It has always been so. History attests to it from the days of Joseph, to those of our own. And no more instructive examples of all that exists than those to be found in our own country, and almost in our own day. Mark the fact that the first bronze statue erected to any public man in New England, was to Benjamin Franklin, the man who captivated all Paris, as much by the simplicity and grace of his manners, as he did his own countrymen by his statesmanship, wit and wisdom. And in that same connection let us remember that that great leader and head of the bar, Rufus Choate, was fully as eminent among his friends, including his life long antagonists at the bar, as a true hearted and

finished gentleman, as he was to the world at large, as a jurist and orator. And who can say, in their case, that they did not each of them owe to their gentleness, and grace of manners, and true kindness of heart, the finishing grace of that crown, which each of them so clearly won.

The true secret of Mr. Clay's undying popularity was, that his manners were so genial and engaging that those who had once approached him never forsook him. So, too, Mr. Calhoun's magical influence in South Carolina may be traced mainly to the same cause. All who were honored with his acquaintance always loved him. One of our citizens who happened at one time to be in Charleston when Mr. Calhoun arrived there from Washington, and saw how the citizens gathered around him, and witnessed the frank, easy and natural manner with which all classes saluted him and entered into conversation with him, without form or introduction, was quite amazed, it was so different from anything he had seen North. One reason why the South has taken almost all the presidential nominations has been that her politicians are better cultivated, socially, than ours, and are making capital with the leaders at Washington, in the drawing-room and at the dinner-table, while our Northern politicians are spending all of their force making long and eloquent speeches. There is great influence in speeches and orations, undoubtedly; but there are times and seasons when smiles and oyster-sauce make a greater impression.

Indeed, engaging manners do not stand a man in stead in the drawing-room only. They are the poor boy's capital, and the stranger's letter of credit. The

village pastor oftentimes may better rely on them to save him his parish, than on the most brilliant talents. They are the only current coin in society, and without it the wisest and the wealthiest are sure soon to be pinned to the wall. They are, besides, the only worldly possessions that are beyond calamity. Beauty is confessedly fleeting; wealth may, and often does, take to itself wings; the mind may become enfeebled; but true grace of manner, once acquired, never forsakes one. Indeed, the most captivating manners are always found among the aged.

It has been thought by many that the great thing that stood in the way of Mr. Webster's advancement to the presidency, was simply and only his apparent inability to shine out warm and sunny, except upon a few select friends, who enjoyed his entire confidence. Mr. Webster as he was, with Mr. Clay's social qualities added, (if such a thing were possible,) would have been a miracle of strength in a presidential canvass. Few ever comprehended the whole secret of General Jackson's wonderful power. He was no more a man of an iron will, than he was a courteous and true-hearted gentleman. The same bolt that kept out the enemy, served just as effectually to rivet him to his friends.

Our forefathers came here counting taste and refinement as among the heresies. They were no more at war with the Pope, than they were with Lord Chesterfield and the dancing master. They were no believers in bowing and scraping. They believed heartily in the profound piety of those first gentlemen of the world, Abraham, and Lot, and David, and Paul; but as a model in the matter of manners, they could

not help admiring most the uncompromising Modcai, with his hat on in the king's gate. Accordingly when they laid here the foundation for a nation, they took care to provide for mental culture in the public school, and for religious culture in the church, but made no provision whatever for social culture. Indeed, they went farther, and took care to discountenance everything that tended towards it. Everything that the age of chivalry had fostered they discountenanced—music, dancing, the drama, games, taste, arts, and all those natural appliances in the way of social culture.

We have in the present condition and altitude of France a life-long lesson. Where is the full-grown man of all Anglo-Saxondom, who cannot remember the time when his prevailing idea of a Frenchman was only that of a light, trifling, vivacious man; frittering away his time on mere forms and ceremonies, dividing it between dancing, studying the best cut for a garment, and the perpetration of a pretty saying. And it was all true that they were attending to all those things. But with their attention to the amenities and graces of life came a whole troop of other accomplishments and blessings—taste, ease, grace, courtesy, kindness of heart, courage, strength, agility, skill, science, industry, cheerfulness, and hundreds of other things, until to-day they stand the foremost people in all the world.