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Old Thunderbolt

IN

Justice Court.



Sept 11<sup>th</sup>  
1905

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Ernest. C. A. Lundeen  
Quinefolia



In  
 Remembrance  
 of  
 the Bar Examination  
 held at  
 57 Paul Quinn  
 in  
 The auditorium room (1st floor)  
 Sept 5-6-7-8 - 1905,  
 Twelve applicants,  
 being

<sup>one</sup>  
 of them myself

E. C. L.













N. W. Wheeler

OLD THUNDERBOLT

IN

JUSTICE COURT.

BY

NELS. WHEELER,  
OF THE SAUK COUNTY BAR.

BARABOO, WIS.  
1883.

Entered according to act of Congress in the year eighteen hundred  
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## “OLD THUNDERBOLT IN JUSTICE COURT.”

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*To all the lawyers of the earth, and to all other people who need, and I hope want, a book :*

The scarcity of books and the alarming destitution of judicial knowledge on the part of the masses, and being unpleasantly full of legal suggestions which I have no right to keep to myself any longer, and anxious to render life pleasant, I have determined to write and publish a book. The title will be “Old Thunderbolt in Justice Court.”

The book will contain a pleasant description of Thunderbolt's birth, early life, study of the law, his examination and diploma, his first location and lawsuit, a description, designed to be humorous, of justices' courts, his second and third lawsuits, a friend's lawsuit, and a few agreeable suggestions.

The contents of the book will be largely within the lids.

Its style quaint, vigorous, sweet, and reasonably original.

Its matter sensible enough to interest the brainy few who have patience enough to read it, and silly enough to delight the masses who may be foolish enough to buy it.

## 6 OLD THUNDERBOLT IN JUSTICE COURT.

The book will be reasonably full of errors and exaggerations, enough at least to identify its author, with now and then, possibly by mistake, a few statements which I fear may be true.

Its size will be reasonable, containing one hundred and fifty pages, more or less, and ready to deliver December 1st, 1883. Price one dollar, to be paid upon delivery.

Where a single copy is sent by mail and the postage amounts to six cents, one-half will be paid by the *Sender* and the other half by the *Sendee*. Where it exceeds that amount, the sendee will please pay it all. No extra charge for this circular.

NELS. WHEELER.

*September 1st, 1883.*

## DEDICATION.

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This book, with great sweetness, commendable timidity, and characteristic modesty, is hereby dedicated in detail as follows: *First.* To the judges of the Supreme Court of *one* at least of the Northern States, and to the judges of such other inferior courts as Congress may from time to time ordain and establish in all the states. *Second.* To the attorney generals and such other state officers in most of the states as have occasion to refer to, or are in the least affected by, the laws of their respective states. *Third.* To the justices of the peace — those fruitful generators of judicial uncertainty — in all the states and territories of the United States. *Fourth.* To all attorneys who stand well and often before all *bars* protected by high licenses, who rarely take fees or give counsel on both sides of small cases; who dislike to suborn witnesses in civil cases, and never keep quite all the money they collect belonging to other people. *Fifth.* To medical students all over the civilized world, who will, if industrious, find in this book technical terms contained in no medical glossary extant, and diseases described of which the entire medical fraternity know



comparatively nothing. The reason for this peculiar dedication is found in the fact that the author hopes thereby to escape the almost daily annoyance of being asked by judges who have no time or inclination to investigate legal questions, his opinion upon intricate points of law, which he has not always the time to give, or patience to explain.

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# OLD THUNDERBOLT IN JUSTICE COURT.

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## ✓ CHAPTER I.

### THUNDERBOLT'S EARLY LIFE, ORATION, AND STUDY OF THE LAW.

LADIES AND GENTLEMEN, IN FACT ALL OF THE MEMBERS OF THE HUMAN FAMILY:—I am the individual upon whom I propose to make a few remarks.

My reasons for the strange act are as follows: All my friends, including those residing in my own family, as well as those who reside in foreign lands, and a despised few who are temporarily deprived of their liberties—the natural result of a marked difference of opinion between them and the owners of some horses concerning the title thereto,—and last, though not least, all the colored population of the entire South, and their dear friend Ben Butler, have called on me in

thunder tones to write a short sketch of my life, and deliver it myself. As soon as I heard those tones, containing those calls, I spoke to myself upon the subject but received no answer. I then wrote and sent the letter by a boy, which I received, and to which I replied; but owing to the fact that nobody as yet has been able to read a word in either letter, and in all probability never will, and my memory being a little treacherous, I fear I shall be unable to give you the substance of either, but will do the best I can for you without them. Some weak-minded chap may ask, Why don't some other man write your life? To this impudent question I have a variety of answers on hand, and a number more in process of preparation.

In the first place, I am a comparative stranger to most of my neighbors, and an entire stranger to all the literary characters of my native land, a timid pettifogger, and no politician; and such a combination of disabilities would prevent my character from being given to the world as it is, which would deprive the people of my choicest expressions, most remarkable eccentricities and valuable suggestions, and annoy

even me with sickening recitals of commonplace occurrences; and rather than have the world imposed upon or the people deluded, and to avoid swindling posterity, and not willing to let error achieve a temporary triumph over truth, I have concluded to write a little of my life, and do it as impartially as my self-respect will endure, and the interests of the human family in its present condition require.

Where shall I begin? I am anxious to commence, for I am growing old, and posterity, I have been credibly informed, is getting impatient. I was punctually, expectedly, and very desirably born about the year 1830, in the county of Worcester, town of Southbridge, in the state of Massachusetts, and was about as old when I was born as bright children usually are. I was not presented to a waiting world, or to anxious relatives and friends in detail. No, thank Heaven, my birth was a grand and gorgeous entirety; and occurred just before the 4th of July.

The day after I was born — if my memory is not at fault — a rather mischievous boy was hung for killing his grandmother, who at the time of her death was old, cross and unable to do much

work, but was blest with a wonderful appetite; and provisions at the time were high and very scarce, which had a tendency to sweeten the severity of her loss, and render it quite bearable. That boy's execution — which was somewhat premature — and my birth, which tickled my parents and sweetened the whole neighborhood, made Southbridge notorious, and one of the pleasantest towns to move out of in the state. I always wanted to be born in York State, but my cruel parents claim they did not hear my request, so I kept as quiet as I could under the circumstances, and reluctantly consented to be born in the Old Bay State.

I will now give you a description of myself when first seen in Southbridge, which I obtained from my parents and the neighbors. I weighed about as much as babies in general, looked more like some than others, but as a general thing resembled myself when I was well. I had, I think, two blue eyes — ordinarily dull; my head was round and substantial, my face broad and inviting, my hair thin and gradually retreating, my nose short, compact, and bewitching, my ears nothing extra, my mouth large and diffi-

cult to keep closed, my tongue limber and always in motion, my jaws muscular and massive, impressing upon the mind of the beholder the great fact that their owner, as a masticator of pig pork, would live and die without a peer; my teeth, as soon as I had some, were poor, but repaired at the proper time; my appetite was remarkable, my digestion unaccountable, my physical endurance almost incredible, my bawling conveniences insufferable. I slept well nights, rarely talking in my sleep, was generally good natured, except when hungry, seldom biting other children.

My parents were kind to me usually, and never thrashed me except when we had company, and then for the purpose of making me show off. Our folks lived a few years in Massachusetts and then moved to the state of New York, where they remained a year or so, and then came to the then territory of Wisconsin. A short time after our arrival we ascertained that, financially considered, we were in very moderate circumstances; there was mighty little money in father's pocket-book, and mother had lost her money-purse in the Maumee swamp, I



think; although father had a few pair of kip boots, a good second-hand overcoat, a jack-knife for which he allowed the man he got it of twenty-five cents on account, a large cotton handkerchief which father had when he studied medicine, and pills enough to last all winter; some essence of peppermint, a lot of camphor gum, and a first-rate diploma. As soon as the people found out that a physician had moved into town, they began to feel unwell and father began to be called, and in a short time commenced doctoring in earnest; scores of folks died, and a few who would not take his medicine got well. Father became frightened and examined his medicine, and especially his pills, and found they were adapted to York State diseases, but were fatal to western constitutions; but he soon remodeled his pills, and kept on doctoring with much better success. In a short time he bought a piece of land and fenced it; I labored on the land some, and off some, and the more I labored off the more difficult it was to labor me on again. I attended school some and learned a little, but was too busy with other matters to acquire much knowledge.

The summer I was twenty years of age the patriotic citizens of a little town in the northern part of the state of Illinois concluded to have a 4th of July celebration, and sent an invitation to a friend of mine to deliver the oration. He could not go and sent the man to me, and he asked me if I would go and deliver the oration. I told him I would give him an answer in half an hour. My situation was painful; I had never made a speech in my life, or written but one composition, although I had had two ferocious discussions with our village school-master on infant baptism. After a little serious thought and friendly consultation with my mother, I decided to accept the invitation. As soon as the half hour was up the man returned, and I told him that I would go. I made a few inquiries about the kind of *dinner* they would be likely to get up, and then he went away. I then began to prepare for my oration. I bought some fools-cap paper, our folks had some ink and a few pens, and I had a small dictionary which I thought contained definitions of most of the words I thought I should be likely to use in writing my oration. I then repaired to

my bed-room, put my writing materials on a little table which was standing in the centre of the room, took my chair, and seated myself in front of the table. I put one of my hands to my forehead, and the other upon the back of my head, hoping thereby to stimulate my brains, get control of my intellect, and give my thoughts a national turn. I made a vigorous effort to think, which overcame me, and I dropped to sleep, and slept until awakened by loud raps at my door mingled with calls to dinner. I went to dinner but ate little; my appetite was gone, my brains had commenced work, I was thinking of my country, the American Revolution, and the infamous conduct of Benedict Arnold.

Our folks looked at me with astonishment; I made some remarks about our glorious Union, then quietly left the table, went to my room, and again started my thoughts in pursuit of things pertaining to the capacity of the American people for self-government. I remained quiet a few moments, and then a couple of sudden thoughts struck me which fairly made me quiver: First, that the Declaration of Independ-

ence was right, in the main, and contained some valuable suggestions; and the American people were not to blame for bringing on the American revolution, although it cost quite a loss of blood, and was attended with considerable expense; and one bill for beef, I am satisfied, should never have been allowed.

The above thoughts seemed to encourage others, and I kept thinking and writing with but little cessation until it was finished. I took great pains in writing it, and was able to read most of it for even weeks after it was written. I was very much pleased with it; it was exceedingly national in spirit, contained but few partisan allusions, and a moderate tribute to the military services of General Taylor in the Mexican war. The morning of the Fourth came at last, and the name of the place where I was to speak was Manchester, and about fifteen miles distant from father's house. About eight o'clock in the morning I started in company with a young man who had been engaged to read the Declaration, and who was studying for the ministry. We rode in a one-horse buggy; the horse had seen a great many "Fourths," and the buggy had

squeaked over scores of demoralized bridges. The morning was bright and beautiful, the crops looked fine, except corn, which was a little late; we saw but one snake on the road, the birds were singing almost continually, and the fences appeared to be good. I was happy, and was rapidly filling up with the choicest patriotism, and my companion gave me to understand two or three times during our ride that he was in favor of a republican form of government.

After a pleasant journey of two hours, we arrived in sight of the speaker's stand, and as soon as the assembled thousands were satisfied that the orator had got there, they commenced cheering in the most boisterous manner, and being satisfied that they meant me, I stood up in the buggy, removed my chip hat, exposing my alabaster brow to the sun, looked around on the vast crowd with a countenance wreathed in smiles and loyal in expression, and gave a genteel cheer for the patriotic citizens of the village of Manchester, and then sat down. As soon as the excitement had partially subsided, my companion and myself got out of the buggy with very little difficulty, and began to shake hands

with the citizens without regard to age, sex or previous condition of servitude. In a short time a procession was formed, and we all marched to the speaker's stand; the chaplain, my companion, and myself, and a few of the most distinguished citizens of the place, mounted the platform. The band began to play, and did first-rate considering their experience, and as soon as the music stopped, the order of exercises was announced, after which the chaplain commenced his prayer. He made a long, loud, and very heavy prayer, most of which I think the Lord must have heard, unless he was busy in looking after larger celebrations. It was full of eloquence, whiggery and sarcasm, interspersed with a few common-place expressions of gratitude to God for the preservation of the lives of the citizens in that section of the country up to that date. My companion then read the "Declaration" in a loud, clear voice, and read it well, as I told him at the time, and he admitted as much to me afterwards. When he had concluded, we had some first-rate music, after which the president introduced me to the audience as the orator of the day. I arose and

stood up as straight as I could, looked around upon the grand assemblage with great distinctness, took a large drink of pretty fair water, and then commenced my oration. My voice was strong and shrill, for I felt healthy and vigorous that morning. I spoke rapidly and very plainly, and finished it in just forty-five minutes. I should have got through quicker but for the cheering, which bothered me, and put me back some, and as soon as I took my seat the audience broke loose again and shouted awfully, which continued at least for five minutes. As soon as it ended, dinner was announced, and we marched to the table, and I think I was a little ahead, and it is my opinion that the orator ate as much as any man or woman on the ground. I omitted to mention that, just before we commenced eating, a poor, lame exhorter asked a short and rather inferior blessing, which some irreverent cuss said "lodged in a clump of elders near the speaker's stand."

As soon as dinner was over the people commenced drinking toasts to me, and I toasted back, and they were good, ample, patriotic, and

entirely satisfactory to us all; and after a little friendly but very common talk with the citizens, we hitched up our horse and started home. I was pleased with the people, my companion, and perfectly delighted with myself. After a cheerful trip of a couple of hours, I reached my father's house, which I entered, as usual. Our family were all at home and appeared about as they did when I left them in the morning; they asked me more or less questions about the celebration, and my speech; I answered them civilly, but their talk seemed flat, and not very acceptable to me. It seemed as though I had passed into a higher sphere. Their conversation, which was sensible enough to interest people of ordinary intelligence, actually disgusted me. I was a Fourth of July orator; I had just delivered a great oration to a large crowd, and explained the great principles of liberty and self-government in the most satisfactory manner, and was not in a frame of mind to listen with patience to talk about cutting smutty wheat, milking kicking cows, or making sod fence. I don't think now, nor did I then, that our family meant to insult or even annoy me;



they were not probably aware of the great change I had undergone in a few brief hours. I worried along the best I could until bed-time and then retired, but slept little; my bed-room seemed smaller than usual, and the furniture appeared very ordinary — had a farm-like appearance. I arose in the morning, ate but little breakfast, my head felt funny, my clothes pinched me, I felt larger than I ever did before; I put on my hat, it was too small, my head felt big, and I thought it was swelling; I walked down to the Corners and weighed myself, and to my great chagrin found that my weight had not increased. The fact is, I felt deeper than I ever did before; I was lonesome and felt deserted, and could find but few congenial spirits in the whole neighborhood.

In a short time I hated to work, and upon one occasion actually shirked, and felt above all the young men in the vicinity in spite of all that I could do. Their silly discussions about running foot-races, thrashing damp wheat for four dollars per hundred, almost sickened me. I felt too intelligent to labor on a farm — a prairie farm at that, with no running water on it and

poorly fenced. I used my youthful associates as well as I could in the condition I was in; I panted for glory and great earthly distinction; I wanted to be a great man, the greatest man that ever lived; I hankered for the society of intellectual giants, and finally made up my mind that I wanted to be a lawyer; *and I do yet.* Some of my friends said I ought to prepare for the ministry, but it occurred to me it would take too much time to get ready, for at that time I had no desirable change of heart, and not much change in my pocket. Some suggested that I had better study medicine, but I never loved physic; others said with a sneer I had better teach writing school, but my style of writing was peculiar and I thought hard to introduce. One young man said I was "a swell-head, and had better stay on the farm;" that remark annoyed me, for the young man who made it was the brightest chap in the county. I soon determined, however, to study law at all hazards, and soon made my arrangements accordingly, took an affectionate leave of my parents, and brother and sisters, bade the boys good-bye, took my little satchel in my hand and walked to a little

village about twelve miles west of our house, and entered the office of a fine lawyer for the purpose of studying law. After I had been there a few days he handed me a legal document with a request to copy the same immediately, which I did, and then handed the copy to him; he looked at it, and then looked at me, and then in rather a gruff voice said that he should not bother me with any more copying for the present, and I don't think he ever did. I thought at the time, and still incline to the opinion, that my penmanship did not tickle him much, which opinion found corroboration in the fact that I discovered my identical copy in his waste basket the next morning, which made me feel homesick. He was, however, very kind to me, and I remained in his office about two years, and then left and entered another good lawyer's office about thirty miles west of there. He was also very kind and patient with me, but for reasons which I could, if I would, easily divine, gave me but little writing to do. I stayed with him about a year, and then made application to be admitted to the bar.

## ✓ CHAPTER II.

## MY EXAMINATION AND DIPLOMA.

The court appointed a committee of three lawyers to examine me. One of the members of the committee was an old and experienced member of the bar, sharp, and at times a little crusty. The others were young men of fair legal attainments.

The committee were to meet in a small room in the second story of the village hotel, at eight o'clock in the evening, for the examination. When I entered the room, which I did at precisely eight o'clock, I found the committee comfortably seated, and in apparent good health. I took my seat, and silence reigned for about five minutes, and was then broken by the old gentleman on the committee, who acted as chairman, and addressed me as follows: "Young man, when are you going to get ready for your examination?" In a voice weak, timid, and soft, I replied that I was ready to be examined. He then turned on me with great fierceness and

said: "Young man, you do not seem to understand me." I told him that I supposed that I had come there to be examined by the committee upon matters pertaining to my knowledge of the law, its practice, and also as to my moral character, and for no other purpose whatever. He then addressed me as follows: "Young man, you appear to be honest and well disposed, and I do not think that you intend to insult or trifle with the committee; but it has been the universal custom in this circuit for the last thirty years, that as soon as the applicant for admission appeared before the committee who were to examine him, to ask them in substance the following questions: Gentlemen of the committee, what will you have to drink? What kind of cigars do you love best? What kind of a supper would you relish, and at what time shall it be ordered? Sir, do you understand me now?" I said I did. I rang the bell and the landlord appeared, and the committee said they would like some good old rye whisky, a box of Havana cigars, and would like an oyster supper at twelve o'clock.

The landlord retired, and in a short time he

returned with a bottle of whisky, the cigars, and the entire committee took a good swig of the whisky, lit their cigars, and the examination commenced.

They asked me what law was, the different kinds of law, and the sources of all law? I answered, and, they said, correctly. They asked me which was the oldest, the common law or the memory of man? I replied, the common law. They asked me if *ex post facto* laws were unconstitutional? I said they were; whereupon the chairman of the committee said he felt a little unpleasant tickling in his throat, and he guessed he would take a small nip, and the balance of the committee said their throats did not feel first-rate, and thought they would take a little, and they all did take a square drink, and started in again, the chairman asking most of the questions. He asked me: "In a criminal case, if the state had to establish the guilt of the defendant beyond a reasonable doubt, or whether it devolved upon the defendant to prove his innocence beyond a reasonable doubt?" After a moment's reflection, I answered "that, according to all the most re-

spectable authorities I had consulted on the question, the burden of proof was on the state, although I was aware that there were two decisions in Maine, and one in Florida, to the contrary." The committee put their heads together, whispered a little to each other, and then the chairman replied that the question was a very complicated one, and enshrouded in some doubt, but the committee were unanimously of the opinion that my answer was correct.

They then asked me the following question: "Suppose a man, while walking on a sidewalk in a large city with a population of fifty thousand people, should be attacked by a dark colored whig with a club, with which he should deal him a heavy blow on the side of his head, staggering him very much, what would be the name of the offense?" I hesitated an instant, but soon rallied, and answered: "Assault and battery."

The committee said, "right, young man," and then asked me the following question: "Suppose the same man, about an hour after the above injury, should mount an Indian pony and

ride him on the identical sidewalk above described, and as soon as he reached the spot where he had been so recently struck as aforesaid, a white democrat in favor of high licenses, with a shotgun in his hand, should strike at the pony, and the pony dodge and the blow descend upon the man's head, nearly knocking him off the pony, what kind of an offense would you call that?" I answered, after a moment's hesitation and with some misgivings, "trespass on the case." The committee then got into a heated discussion among themselves, two of them agreeing with me, and the third one, possessing more stubbornness than legal lore, said he thought it was an assault and battery, and not trespass on the case; but he was in the minority and had to give in. The chairman then said that he didn't know how the balance of the committee felt, but as far as he was concerned he believed that a little whisky would revive him, and the rest of the committee said they felt exhausted, and had a few rheumatic pains, and really guessed a light horn would do them good. The chairman took up the bottle—it was empty. I rang the bell and up came the landlord, and



the chairman bawled out, "Landlord, more whisky." He obeyed, and the bottle was soon filled and on the table in front of the chairman, and the committee all took a good solid drink, and I told the committee to help themselves to cigars, which they all did, and after a little jolly talk they commenced again, and I thought changed the course of their examination. The questions seemed odd, and the color of the chairman's face indicated that he was a very deep *red* lawyer, for he was funny and happy, his eyes sparkled, showing that his whole soul was in the examination, and after awhile he asked me "What I thought of Benedict Arnold?" I answered that I thought he was an infamous traitor, and richly deserved death.

The chairman then took me by the hand and said he was proud of me, but one of the committee said that in his opinion Arnold's real designs had been greatly misrepresented. The chairman then said he did not want to choke to death, and proposed to try that whisky, whereupon all the committee took a fair drink. They then asked me "If our country had any other father than George Washington?" I answered,

“Of course not.” They asked me “If I was in favor of a tariff *ad valorem* or *ad infinitum*?” I replied with some warmth, “*ad valorem*.” They asked me “If selling liquor to the Indians was a crime *de facto* or *mala prohibita*?” I answered, “In some cases I thought it was, but as a general thing it depended largely upon the quality of the whisky.” They asked me “If the delirium tremens ever became chronic, or in their early stages contagious?” I replied, “I could ask the committee that question with much better grace than they could put such a question to me.” The chairman sprang to his feet, and, in a voice trembling with rage, said: “Young man, such a beastly insinuation as that must be instantly withdrawn.” I apologized, and said “that it was a joke simply, and that I did not intend to insult the committee.” The chairman replied, “all right,” and suggested that it was a good time to have something. They all took a snifter, and then asked me “How I stood on early marriages, and easy divorces?” I replied “That marriage, young or old, should be based on genuine affection, and that alone, and that divorces should rest on the principles

of eternal justice." They asked me "How I stood on capital punishment?" I replied "That it was a capital thing in some cases." They asked me "If I thought that hogs should be allowed to run at large?" I answered, "It was a hoggish practice in some cities and villages, but proper enough in the country." They asked me "What I thought about the third term business?" I told them "I was willing to leave that to the good sense and loyalty of the American people." They asked me "If I could recover upon a verbal order which had been lost?" I answered "that I could." They asked me "How?" I answered, "By tendering the defendant a bond of indemnity in double the amount of the order." They asked me "If I could recover upon a verbal order which had been altered?" I answered, "I could in the hands of an innocent holder for value." They asked me "What a lawyer must do in order to succeed in his profession?" I answered, "He must be true to his clients, himself, and the community wherein he resides." They asked me "If I took any stock in the doctrine of the inferiority of races?" I answered, "No, sir."

They asked me "If a man should be admitted to the bar who cannot write so that he can read it himself?" I replied "That writing was simply mechanical, and that most any man with patience and care could learn to write in such a manner that most of it could be read." They asked me "What I thought of this country generally?" I told them "I thought it was a great country, and I was very fond of it." They asked me "the amount of compensation I should charge my clients for my services?" I replied, "A fair and reasonable fee for services actually rendered." They asked me "What I thought of the Wisconsin Bar?" I answered, "That the best lawyers were kept in the rear, and it was hard to keep the pettifoggers off the front seats." They asked me "What I thought of practice before Justices of the Peace?" I answered "That I was fond of it, for it was free, liberal, healthy and refreshing." They asked me "What I thought of Female Suffrage?" I replied, "That a law which took the right to vote from an intelligent, loyal and true-hearted woman, and handed it to a male fool, was too mean to talk about, and too silly to even refer to."

The committee looked thunderstruck, and the chairman at last spoke as follows: "Young man, you have expressed yourself with some warmth and considerable firmness, indicating that your pluck is in a healthy condition, but that your judgment has barely started on the road to maturity; and when you shall be old enough to appreciate the wisdom and experience of a sensible manhood in its prime, you will, I trust, be able to understand that woman has a sphere which is not the political arena, but the domestic circle. She can illuminate and purify the home, can do nothing in the caucus or convention, has no business at the polls. The lords of creation can, and are willing to manage the political affairs of the nation." I then replied: "The right to vote, then, depends on *sex* alone, and not on *fitness*?" The chairman replied, "Yes, sir, in the main." They asked me "What I thought of General Jackson?" I replied, "He was a man of great firmness, indomitable pluck, and remarkable executive ability." They asked me "How law and politics, as a general thing, would work together?" I replied "That they should be kept separate, if possible, for when a lawyer neglected his business and clients for the pur-

pose of illuminating country school houses with cheap eloquence, he makes a great mistake; for such a course ordinarily drives all the law out of his head, and fills his brain with extravagant hopes, unreasonable ambitions, low cunning, and wild schemes, which not unfrequently ultimate in a full-fledged political trickster." The chairman, with a smile intensely *spiritual*, remarked, "Young man, you have made quite a speech, and it makes me feel as though I would like something," and the balance of the committee said their throats felt strangely dry, and they all drank with great unanimity. They asked me "What I thought of perjury as a business?" I answered, "That a man who should follow it up for any great length of time would be very apt to taint his reputation for truth and veracity." They asked me "What I thought about the practice of sucking eggs in the winter?" I replied, "That as a general thing it was a mighty risky business, and in some cases a very small, *fowl* proceeding." As soon as I had completed this answer I heard a slight noise in the room, and upon looking round discovered the chairman standing by one of the other members

of the committee, with his arms partially around his neck, evidently trying to kiss him, which the *kissee* doubtless thought promised a species of fragrance he did not propose to endure. I suggested he had made a slight mistake in the sex, and by the use of a moderate amount of physical force combined with a little gentle persuasion we induced him to take his seat, and then in tones of incoherent sweetness he asked me  
+ “What I thought of my examination?” I answered that in my opinion that to all intents and purposes it had closed. The chairman revived, and said with a look I shall never forget, “Young man, you are now talking law.” The entire committee grasped me by the hand and said they congratulated me upon having passed a very searching, wide spread, and excellent examination. I then said, with a heart overflowing with gratitude, “Gentlemen, let us all take a drink,” and we all did drink, and lit our cigars, chatted a short time, and then supper was announced, to which we did ample justice. I bade the committee good night, left the hotel, went to my boarding-house and to bed, slept well, and arose early the next morning, went to the

hotel and asked the landlord for my bill; he said it was \$16; I paid it and had \$2.40 left. As soon as court convened the committee submitted a very favorable and flattering report; I was sworn and got my diploma, for which I paid \$2, and left the court room a full-fledged attorney.

Gentlemen of the Bar, the character of my examination, it seems to me, must convince you all that in the early days of Wisconsin no man could be admitted to the bar who was not well qualified to practice law.



## ✓ CHAPTER III.

## MY FIRST LOCATION.

I then took a job of cutting and splitting wood, which came to eight dollars, which I cut and split in good shape, considering the wood, some of which was *dry elm*, and when I got aboard of that it started the sweat. As soon as I finished the job I had no difficulty in getting my eight dollars. I then made up my mind to go to a little village about fifteen miles east of the place where I was stopping, and locate, for a short time, at least. I bought a little paper trunk for two dollars, packed my clothes and library, consisting of the "Statutes of Wisconsin," "Cowen's Treatise," a "Form Book," a small bottle of ink, nearly a quire of foolscap paper, six steel pens and a small box of wafers, into my trunk, which filled it as full as a tick.

I then found a man who was going to said village with a yoke of cattle and wagon, and he agreed to carry me and my trunk there for fifty cents. I paid him the money, put my trunk

aboard the wagon, and got in myself. We had a good, but rather slow, ride, and about dark entered the village, and the man drove up in front of a small hotel and stopped his cattle. I asked the landlord if he could keep me all night. He said he could. I took out my trunk, bade the gentleman who brought me good night, and he drove off. I went into the hotel, and the landlord helped me carry in my trunk. I went to bed early, slept soundly, and got up in the morning feeling first-rate, ate my breakfast, and then had a talk with the landlord. He was a man of pleasant appearance, about forty years of age, but I thought acted a little depressed, and I ventured to ask him the cause.

He said that his wife's father, a short time before, had got into an altercation with rather a quarrelsome neighbor and shot him, killing him instantly, and that immediately thereafter he had left the state, and that his daughter—the landlord's wife—felt annoyed at the occurrence, and, upon one occasion, had said that she thought her father in killing the man had made a great blunder. Now murder, in those days, was regarded by some of the best citizens as a

crime for which the murderer deserved some kind of punishment, and it was not an uncommon thing to arrest, try, convict and actually punish men for murder, and those people who had doubts as to whether murder was a crime were satisfied that it was at least a *tort*, and not a matter *sounding in contract*.

I told the landlord to cheer up; that neither he nor his wife were to blame for the affair, and had no right to worry or feel bad about it. I then told him that I had concluded to locate there for the present, and perhaps permanently, and would like to make some arrangements with him about board, and also get a room, or a part of a room, for an office, upon the best terms I could; that I was poor, but able and willing to work at anything that should turn up. He said I could stop with him, do chores for my board, act as landlord when he was away, and make myself generally useful; and that there was a small table at one end of the dining-room, seldom used, upon which I could put my library, and that there was a small bedroom adjoining which I could use for consultation. I told him the arrangement was highly

satisfactory, and immediately entered upon my work.

I hired a chap to paint me a sign upon an old checker-board, for which I paid him seventy cents, which I nailed to the bar-room door, and then commenced waiting for clients. And before I go any further I will now give you a reasonably clear idea of Justice Courts in the early days.

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CHAPTER IV.

## JUSTICE COURT THIRTY YEARS AGO.

In all new countries they have, to a greater or less extent, a sort of *quasi* judicial institution called Justice Court, where small matters generally, and large ones occasionally, are disposed of, and the state of Wisconsin, before she was a state, was blest in a high degree with a choice lot of Justices of the Peace, and when her constitution was adopted no effort whatever was made to abolish them, so we have them yet. Now, thirty years ago a Justice of the Peace was regarded by his neighbors as a man of great function, was considered not only as an individual to be respected, but also as a man whom it was thought very prudent to fear. He was an intelligent man, having in some cases a few conveniences for human thought; some of them could read, and pronounce pretty large words quite amusingly; others could write an able hand, and occasionally one made his appearance who knew at least half of the multiplication table, of which he seldom boasted.

A Justice of the Peace thirty years ago could drink whisky if he felt like it, and with much more impunity than he can now, and with less danger of death or being crippled for life, for most of the terrible havoc which the monster "total abstinence" has made in the ranks of the judiciary has occurred since that time. A Justice of the Peace could use more profane language, and with more ease and comfort, and the people seemed to stand it better, than they do now, and a great many of the most shocking oaths which were then used with so much fluency have now become painfully obsolete, and which nothing but those inimitable bursts of sarcastic profanity which occasionally fall from the honest lips of an Ingersoll and other modern reformers can ever fully revive. A Justice of the Peace, it was well understood, had the right, which he frequently exercised, of using his muscle in the trial of a cause before him, after the authorities gave out, thereby giving in some cases great, as well as immediate, satisfaction, and no witness or attorney who had been knocked down by the court would, upon getting up, feel like taking quite as much liberty with him as he did before he dropped.

I wish to state in vindication of the justices of the olden time, that they did not, as a general thing, knock down witnesses or attorneys as a mere matter of amusement, or to tickle the fancy of some low-toned by-stander, but they did it to preserve their own dignity, and to administer justice in cases where they believed a guilty man was likely, through the ingenuity of his attorney, to slip through the meshes of the law and escape. Again, the position of a justice was pleasanter and even prouder than it is to-day; his authority more clearly defined, and better understood than it is now, and the trials before him more interesting and instructive.

Almost everybody and his wife attended all the trials in justice courts, which lasted longer than they do now, and the lawyers labored harder and for less money than they charge these days. They had more witnesses, and they swore better, and were not half as afraid to tell the truth as some of them are now, and were not reprimanded as sharply for talking back to saucy lawyers as they are now. There was not so much gratuitous perjury then as now, and what there was, was paid for at living rates.

There were not near as many appeals from

justices' decisions then as we have now, for the reason that the people were fonder of justice than they were of litigation. The justices' decisions were more uniform than they are now, for they were generally based, not on the technical mysteries of the law, but upon the common sense of the justice, which was always equal to the emergency. The mind of the justice was not filled in those days to overflowing with long-winded and vague decisions of the courts of sister states, which when imperfectly understood generally mystify the law, confuse the attorneys who introduce them, and bewilder the unfortunate justice who is compelled to listen to them. There was in those palmy days but very little written law which was needed or ever used in trials before Justices of the Peace. Almost every justice had a copy of the statutes of Wisconsin, by which he felt bound except in cases where they had been modified by the constitution of the state, in which cases the justice generally stuck to the constitution, or Cowen's Treatise — a work of great merit, containing more and a greater variety of decisions upon the same subject or any other subject,



than any other work then extant, and a copy of which every lawyer who attained any eminence in Justice Court had. Attorneys in those days were not as mean as they are now, demurring in the most heartless manner to the pleadings of their adversaries when they could think of nothing else to do, and few attorneys were reckless enough to object to the introduction of evidence, knowing, as they did, that the judicial mind of the justice could digest with ease all kinds of testimony which might come before him.

The decisions of the justice were made sooner after the trial than now, and for that reason the injustice and uncertainty which might grow out of too much complicated investigation was avoided. The trials in those days were enlivened with more wit, illumined by a better grade of mind, sweetened by more genuine humor, a greater variety of fun, a plainer individuality, and a more frank and blustering manhood, than we are blessed with in these later days; there was more democracy of feeling among the people and less of that sickening aristocracy which swells the ranks of the professional *mullets* of to-day. There was more

actual justice then than now, and all those little senseless technical humbugs which delay, pervert and outrage justice were hooted out of court. The justice tried the case, traveled directly to the merits, hunted for the meat, and did not try to gnaw the shell which covered it. There was more freedom, more general freedom, during the trial of a cause than we are allowed these times, and the by-standers were not as diffident about expressing their opinions audibly and boldly, in relation to the merits of the case on trial, and in presence of the justice and jury, as they are now, and in that way the attorney could usually tell how his case stood, and what the people thought of it.

The expressions made by the congregation during the trial aided the justice in the discharge of his duty acceptably to himself and his constituents, and the jury could, if they watched the crowd closely, tell better how to decide a case than a jury of the present day can, who rarely, except in very important cases, say much to the crowd about the merits of the case they are trying. In the good old times the jury avoided the restraint which their separa-

tion from the crowd and their near friends during their deliberations render so painful at the present day. The justice in those days took more notice, more judicial notice, of things before him, and of things likely to come before him, than he does now, and was not annoyed then as he is now with the silly suggestion that it is improper for a justice to talk with the plaintiff and defendant about a case to be brought before him, and during its progress, and by the exercise of that glorious privilege he kept himself and his docket nearer the people than he can get these days, which made his decisions more widespread, for the obvious reason that everybody in the community understood his decisions, which in some instances contained the entire common sense of the justice, and occasionally embodied the aggregate wisdom of all the thinking men in the town, producing a sort of judicial rest, which always aids digestion and makes men feel contented and happy.

The lawyers talked plainer — that is in court — than they do now, represented more common sense and less perfumery, spent more

time in cultivating their brains and less in playing with their hair, mistaking raven locks for thoughts, and realizing the fact that the hair frequently grows the thickest on heads which are the emptiest. The lawyers those days seemed to have more original wit, it was more natural and playful, had a more substantial sparkle, and was more in harmony with its surroundings, for the reason that their minds were clear, pure, and vigorous.

Men did their own thinking then, and their thoughts were honestly born and were not borrowed or stolen, for any man with brains can think better with his own than he can with the brains of his friends; and they were not afraid to think, for policy at that time had not instructed them to think carefully and in such a manner as not to give offense. They were not only bold thinkers but bold talkers, and had more eloquence than now; it was crude, but more natural, and in the language of a friend of mine — “it was that kind of eloquence which exists in the man, in the subject, and in the occasion,” and peculiarly adapted to Justice Courts.

{ The lawyers treated each other better and oftener than they do now, and in minor matters took each others' words, which was not as risky then as it is sometimes now. They treated witnesses with more respect than they do now, knowing as they well did that an abused witness frequently took the law and the offending attorney in his own hands with less danger of official interruption than now.

The arguments of the lawyers were more logical, were not diluted or besmeared with sophistry to the same extent that they are now, and they seemed to hanker more for justice and less for glory than they do now, and some of them were even accused of being true to their clients, a virtue not as rare then as it is now, in *foreign lands*.

A Justice Court had in those days a greater variety of jurisdiction than now, it was more of a court of equity than it is now; for the justice not being annoyed, or guided by vague or senseless precedents, or confused by elaborate or learned decisions of other courts, felt free-er to render such a decision as the case demanded, giving in all proper cases the successful party

all the relief he could think of,—the kind and amount, of course, depending upon the peculiarities and capacity of the justice — and the state of public sentiment in the community wherein he resides. A Justice Court supplied a great variety of wants of a large body of people; for an exciting trial presented under one tent, the ravishing beauty of a circus, the majestic grandeur of a caravan, the spiritual fascination of a camp-meeting, and the bewitching horror of a well conducted dog-fight.

## ✓ CHAPTER V.

## MY FIRST LAWSUIT.

Well, as I said, I commenced waiting for clients, and in the meantime went to work about the hotel; my labor was light, but some of it not very congenial to my taste. I made the fires in the morning, swept out the bar-room, and after breakfast helped the girls wash the dishes, brought in the wood for the day, and then fed the hogs. Upon one occasion, while carrying a big pail of swill, I slipped, and lots of the swill ran down my legs into my shoes, which mortified me a good deal. I had to ride an old mare every morning about a mile to the river to water, and her back-bone was wonderfully sharp, and stuck up ridiculously high, and resembled a cross-cut saw nailed on to the top of an old wood-shed. It seemed to me as though the balance of the old mare had made an arrangement to dissolve partnership with the upper part of her back-bone, and was even then gradually leaving it in disgust. To add to my

embarrassment, the young chaps at the hotel would frequently, as I rode by upon the old mare, raise their hats and say in a very heartless manner, "The young lawyer rides the old skeleton first-rate."

I worried along as best I could, for I was healthy, and ambitious to succeed. One pleasant afternoon while sitting in company with a score of young men upon the front steps of the hotel, a large and uncultivated jackass went singing by, and hitched to his tail was my sign, whereupon the crowd yelled, and one fellow who appeared to be meaner than all the rest, yelled out at the top of his voice, "it was a mighty mean trick for one attorney to steal another attorney's sign,"— which I considered a very indiscreet remark; and deeply chagrined and not a little discouraged I got up, went into the bar-room, sat down and commenced waiting for business with great energy.

One bright morning about three weeks after I had located in said village, an oldish man came into the dining-room where I was engaged in picking over some blackberries, and asked me "if I was the lawyer that was stopping at the



hotel?" I replied that I was, and he then said that he had been arrested and wanted me to defend him. I said all right, and went into the bed-room — my consultation room,— and told him to follow me, which he did. I then closed and locked the door, sat down on the edge of the bed, which made a pretty fair seat. I asked him if he had any money, and how much? He said he had eight dollars and seventy cents; that he could let me have seven dollars, and the balance he should want to use during the trial. I took the seven dollars with great promptness, and then asked him what he was arrested for. He said for burning a pile of lumber in the night time, of the value of one thousand dollars. I asked him if he was guilty. He said he was not guilty.

Gentlemen of the bar, for the purpose of guarding against imposition, it was the universal practice of attorneys in those days to ask a man who wanted to be defended upon any criminal charge, if he was guilty of the offense; and if he answered promptly and boldly *not guilty*, to undertake his case; but if he hesitated, prevaricated, or equivocated in the

least, to drive him out of the office; and by the use of the above precaution the attorneys had the exquisite pleasure of defending *innocent* men, although now and then a sharp and artful criminal would overreach an unsuspecting lawyer, and enlist his services in his behalf; but such cases were very rare. I then asked my client what the facts were, and he said he had been laboring for the complaining witness for about six months, who had cheated him out of his entire pay, and he presumed he had said that he would like to thrash him, and would if he was able to pay a fine, but said he was not guilty of the offense, never committed a crime in the world, and was never arrested before in his life. He also said he had a wife and two small children across the ocean, who were then living in a little village a few miles north of the renowned city of Dublin. I told him to go out into the bar-room and I would be out in a moment, for I really wanted a few moments for reflection and self-gratulation. I was happy, for I was employed to defend a great case; yes, the young man who had that very morning carried two pails of swill to a lot of

squealing hogs, the identical chap whose sign an uninvited jackass had dragged all over town, kicking off the initials of my name; yes, the same person who about two hours before had milked two kicking cows quite clean; the young lawyer who that very morning had rode with great unpleasantness the old mare to water; the same gentleman who the night before had cleaned a much neglected horse-stable, was going to defend a man for arson. I was almost delirious; how did it happen? And who sent the man to me? And as soon as I got quiet I repaired to the bar-room, found my client, went with him to the place where the examination was to be held, which was in a large building previously occupied as a wagon shop — but then used to hold court in, and occasionally by the “Sons of Malta,” when they had business on hand. When we arrived we found the justice, the lawyer, who was to prosecute the case, and a very large crowd, who had come, many of them, a great distance to attend the examination.

Arson in that little place was not a common occurrence, but a rare treat, and there was very little lumber piled up in that section which peo-

ple could burn if they wanted to; and but few people in that section of the country were mean enough to burn lumber after it was put into a building, and the citizens, thinking it was the only opportunity they would be likely to have for years of attending an examination for arson, flocked in great numbers, as before stated. The justice said he was ready, the district attorney said he was ready, and I said the defendant was ready. The justice then read the complaint to the defendant, and asked him "what his plea was, guilty or not guilty." In a loud, clear and unfaltering voice the defendant answered, "Not guilty, your honor." I will now give you a description of the parties to the suit. The justice was about fifty years of age, short and very stoutly built, a pleasant, genial countenance, with a fine physical constitution; kept a big bull-dog, was endowed with a fair amount of intelligence, with little experience, and less knowledge of the law; possessed a warm and very sympathetic heart, and was more attached to fluids than solids. The complaining witness was a small, sharp, cunning and very miserly man about forty years of age, with few friends,

and really deserved none. The district attorney was a cunning and adroit lawyer, with a keen and restless pair of black eyes, of large experience at the bar, and very sarcastic and severe in his treatment of young and timid members of the profession. I was young, desirable, bashful and very interesting, and even at this late day am too much affected to do myself justice. The defendant was a man who had seen perhaps fifty years; tall, slim, and very angular, with a broad, sad-looking countenance, respectably connected, a man of considerable culture, and claimed to have been a member of the police force of the city of Dublin for a number of years.

The district attorney said he would proceed, and called as a witness a man by the name of Angus Corkscrew, who was sworn, and the district attorney told him to state to the court what he knew about the case. He answered that he "knew the defendant, and saw him at Blood's saloon about a week before the fire, and that during some conversation he had with him he said that the complaining witness had cheated him out of more than

one hundred dollars, that he was a d—d scoundrel, and if he was able to pay a fine he would pound him;” and appeared very much excited at the time, and said “that was all he knew about the matter.” The district attorney told me that I could cross-examine the witness if I desired to. I replied that I had no questions to ask, as his testimony amounted to nothing. The district attorney replied “that no man but a beardless idiot would make such a contemptible remark.” I retorted with great timidity, and some warmth, “that there were some fools present in full beard.” The witness of his own accord left the stand, and the district attorney called a man by the name of William Grover, who came forward and was sworn. The district attorney then told him to tell the court what he knew about the case. He answered that on the evening of the fire, and about an hour before it occurred, he was in old Blood’s saloon with the defendant, that they drank whisky two or three times together, and while they were drinking the defendant became very much excited, and said, if somebody would burn up everything the complaining witness had, they

really would serve him just right, for he was a villain, and had nothing except what he had cheated out of hard-working people. That was all he said, and shortly thereafter left the saloon, and the witness saw no more of him until he met him in court to-day, and thought that at the time he made the above remark he was drunk, or nearly so. The district attorney asked me if I had any questions to ask? I answered, "None whatever." The district attorney then called a man by the name of Alonzo Skinflint, who was sworn, and allowed to tell his own story. He said: "The evening of the fire he saw defendant in Jackson's store, and heard him ask him if he had any matches that a fellow could light in the wind? That Jackson said he had, and handed defendant a box, which he took and paid for, and walked rapidly out of the store, which occurred about half an hour before the fire." The district attorney asked him if that was all he knew about the case. He said it was, and then turned to me and said, "Young man, do you wish to cross-examine the witness?" I said, "Of course not."

The witness then left the stand, and a man

by the name of William Parsnips was then called and sworn, and the district attorney told him to tell his own story, but do it as briefly as possible. He answered that on the evening of the fire, as he was riding his horse into the village, he saw a man whom he took to be the defendant, running from the place where the lumber was piled, and a few rods away, and when he had got about thirty rods from the place, he saw a flame of fire burst out, and at the point where such lumber was situated, and then rode his horse to a tree, gave the alarm of fire, and ran to the place where the fire was; and that when he reached the spot it was raging with such fury that he was unable to check it, and before many of the citizens arrived the lumber was entirely consumed; and said that was all he knew about the case. The district attorney asked me if I wished to cross-examine the witness. I said I did. I asked the witness if he was well acquainted with the defendant. He answered he had "seen him but twice before the fire." I asked him if the night of the fire was dark or moonlight. He answered, "not very dark." I asked him if he was



sure it was a moonlight night. He said he "thought it was." I asked him how far the defendant was from him on the evening of the fire when he first saw him. He answered, "about ten rods." I asked him if, at the distance of ten rods, upon such a night as the evening of the fire, he could identify a comparative stranger with any degree of certainty. He answered "he thought he could." I told him that was all; and the district attorney called the complaining witness, who was sworn; he was allowed to tell his own story, and stated in substance that he was the owner of the lumber burned; that it was worth one thousand dollars, and was entirely destroyed by the fire referred to. The district attorney then said, "Young lawyer, would you like to ask the witness a question or two?" I said, "Yes, sir." I then asked the witness if he ever had any difficulty with the defendant. He answered, "None whatever." I then stated that I had no more questions to ask, whereupon the district attorney said "the state rested."

The justice said as it was already nine o'clock, the case was adjourned until nine o'clock the

next morning, at which time the parties appeared, and the justice said the case was now with the defendant. I arose and told the justice that the testimony upon the part of the defense would be very brief, for at that time defendants could not in criminal cases swear in their own behalf, and for that reason a vast amount of very pleasant perjury which we are now furnished with occasionally, we were then deprived of. I called as a witness a man by the name of Amos Greaser, who was sworn. I asked him if he knew the defendant? He said he did. I asked him whether he recollected whether the night on which the lumber was burned was a light or a dark night? He answered that he thought it was a very dark night. I asked him if in his opinion a man could recognize, or with any certainty identify, a comparative stranger ten rods away on such a night. The district attorney said he "objected to the question for the reason that it called for the opinion of the witness, who had no right to give it in a criminal case." The justice said he thought that "under the constitution the defendant in such a case as that was entitled to the opinion of any

decent man whose eyes were good. "The witness then answered, saying, "upon the night in question no man could identify even a friend ten rods away." The district attorney said he had no questions to ask. I then called a man by the name of George Doughhead, who came forward and was sworn. I asked him if he knew the defendant. He answered he did. I asked him if he saw him on the night of the fire. He said he did: I asked him where. He answered, "at Baxter's meat market." I asked him at what time. He answered, "about an hour before the fire." I asked him how long they remained at the market. He said, "until after the fire." I asked him if while they were at the market, defendant was absent before they left finally. He answered, he "went out once only." I asked if at the time he went out he was absent long enough to go and set the fire. Answer: "I do not think he was." The district attorney then asked him what he and defendant were doing that evening so long at Baxter's. He answered, "sitting down upon a bench in front of the market." He asked him whether he and defendant drank any whisky

while they were at the market. He answered, "no, you fool; do you suppose they sell whisky at a meat market?" Whereupon the delighted crowd yelled out, "give it to him, Doughhead;" which so took the tuck out of the district attorney that he would not cross-examine any further.

I then called William Maddock, who was sworn. I asked him if he knew the defendant, and saw him on the night of the fire buy any matches at Jackson's store. He answered, he did. I asked him what he said at the time he bought them. The district attorney objected to the question, stating that it was not *germain* to the issue and was largely hearsay. I replied that it was a part, and a very large part, of the *res gestæ*, and that we were entitled to it. The justice looked a little surprised for a moment, but soon revived, and said that in all cases the defendant was allowed to prove the *res gestæ*, as it would be unconstitutional to take from any defendant the smallest portion of the *res gestæ*. This unexpected burst of judicial knowledge from the lips of such a justice fairly made the district attorney curl up, and he im-

mediately withdrew the objection. The witness, answering, said that the defendant at the time he bought the matches turned to the witness and said: "When you and I go out a hunting again we will have some matches that we can light in the wind." I asked him if he and defendant had ever been out hunting together. He answered, they had, and at the last time they were out they had a hard time to make their matches burn long enough to light their pipes, on account of the wind. The district attorney said he had no more questions to ask. I then called as a witness a man by the name of Joe Catfish, who reeled up to the stand and was sworn. I asked him if he knew the defendant, and how long he had known him. He said he did, and had known him about three months. I asked him if he knew what his reputation for honesty was in the neighborhood in which he had resided prior to his arrest. He said that he did, and that "his reputation was good." The district attorney said he had no questions to ask. I told the justice that the defendant rested. The district attorney replied that the state had no more testimony. The

court then adjourned until one o'clock in the afternoon for the purpose of hearing the arguments of counsel.

At the time appointed, the parties all being present, the district attorney arose and addressed the court as follows: "Your Honor, this very important and somewhat exciting examination is closed, and it now becomes my painful duty to open the case to Your Honor, which I shall now do with great brevity, reserving the bulk of my argument for the close, having, as you well know, the right to make the last speech. Your Honor, during my entire practice at the bar, covering as it does a period of at least thirty years in the beautiful city of Rochester, in the Empire State, I have never approached the argument of a cause with more unpleasant embarrassment than I am suffering at the present moment. And, Your Honor, it is not induced by the thought that the proof is weak, or the result very uncertain; nor am I annoyed by the depressing reflection that I shall be unable to present my view of the testimony to Your Honor in so simple a manner that you will be unable to comprehend it. I am

aware, however, that many Justices of the Peace possessing good sense, but with limited experience in criminal cases, are frequently carried away from the rugged path of justice, and landed in the realms of sympathetic speculation, by the foolish and blubbing appeals sometimes made to them by young and whining *quasi* members of the bar.

“Your Honor, I trust that this court is made of sterner stuff. I believe you will do your whole duty in this case; justice demands it; the peace and quiet of society require it, and your constituents expect it. Your Honor, you well know, and I say it not for the purpose of intimidation, nor do I mention it in the hope of unreasonably influencing you, but simply to remind you, that you owe your election to the office you now hold to my personal power and influence alone.

“Your Honor, I stood at the polls all day long, and fought like a tiger to secure your election. They called you a thief, and I repelled the charge, for I thought at the time the remark was made to injure you. They said you were a drunkard, and I ridiculed the suggestion. They

said you took unlawful fees, and I parried the insinuation. They said you could be bribed, and I sneered at the ungentlemanly allusion. They said you were an old fool, and I replied that my acquaintance with you was slight, but I thought they were mistaken. They said you were in the habit of whipping your wife, and I laughed at the joke. They said that in Florida you were arrested for burglary, and I hurled into their teeth the unfair innuendo. They said you ought to be tarred and feathered, and I told them in a very spiteful manner, *that* would be contrary to law. They also said scores of other mean things, many of which I have forgotten.

“Your Honor, I came to this state two years ago from the state of New York. I came to get away from business, the magnitude and pressure of which had impaired my health. I came to escape the praise and almost sickening compliments I was daily receiving from my brethren at the bar, which were becoming monotonous. Your Honor, my associates were the best and ablest men in the state of New York. I knew Aaron Burr, and gave him important advice in his little matter of treason. I was in-



timate with Elisha Williams, and furnished him many a brief in his various criminal cases. I knew Daniel Webster, and rendered him valuable assistance in the celebrated Dartmouth College case, and counseled John Van Buren in the 'Forrest Divorce' case.

"Your Honor, pardon me, for I fear I am getting outside of the record. Your Honor, the testimony in this case is circumstantial, very brief, in substance, that defendant, a few days before the fire mentioned in the complaint, made what I regard as threats against the complaining witness; was in a drunken condition at the time, was seen in close proximity to the fire before it broke out, running rapidly therefrom, which we claim proves beyond all cavil that an offense has been committed, and there is probable cause to believe that the defendant is guilty, and that is all the law requires.

"Your Honor, you have been annoyed a great deal during this examination by the pretended lawyer Thunderbolt, who probably thinks he has been defending his client. I, too, have been a victim of his youthful insolence. His power of prevarication is developed beyond his years,

and yet it has been sorely retarded by his lymphatic stupidity; although you found some relief in the fact, that, with all his folly, he was not silly enough to pretend that he knew anything about the law of this case, although once during the examination he hesitatingly intimated that he did know the name of the crime with which his client was charged. He relied, and had a right to, upon his native meanness, inherent depravity, sickening appeals for mercy, and the hypocritical tears of his guilty client. He tried to be witty, and the failure was disastrous; he endeavored to be severe, and the result was disgusting. I leave the case in your hands, for the present at least; give Thunderbolt fair play, listen to his speech, for a fool has a right to talk in Justice Court."

Whereupon the court adjourned to nine o'clock the next morning. After the court adjourned, I went to my boarding-house considerably excited, and had no difficulty in reaching the conclusion that the district attorney had deliberately and publicly insulted me, and I made up my mind then and there that I would rake him good and strong. I then retired and laid

awake part of the night, which I industriously spent in searching in the meshes of my memory for all the mean things I had ever heard, and then earnestly called on my imagination to come to the rescue. After collecting ready for use a fine supply of high-toned epithets, and a few not quite so high, I dropped to sleep; awoke the next morning much refreshed, in fine spirits, ate my breakfast, and then repaired to the court room. All things being ready for business, I arose and addressed the court as follows:

“Your Honor!” As soon as these words escaped my lips, both of my suspenders gave away, and the constable and a good-natured wagon-maker seeing my embarrassment, which promised to increase — as some of my clothes threatened to leave,— sprang to my side, and the justice being a modest and polite man, said the court would take an informal recess for five minutes, during which time I fixed up my suspenders, and resumed my argument as follows:

“Your Honor, as I said when my suspenders went back on me, it now devolves upon me to present the theory of the defense, my view of

the testimony in this case, and what it tends to establish. Your Honor, I say at the threshold of this discussion, there is not a scintilla of evidence in this case against the defendant, notwithstanding the gentleman from New York — without whose assistance Webster would have had trouble in the Dartmouth College case, and Burr been convicted of treason — says the testimony is sufficient to hold the defendant to bail. One witness says that, a few nights before the fire, he heard the defendant say the complaining witness ought to be thrashed, for he was a scoundrel, and if he was able to pay the fine he would thrash him. Suppose he did say that, was that crime? Is there any spontaneous combustion in the expression, *you are a scoundrel?* The defendant supposed he was calling things by their right names, nothing more. The remark at best only evinced a desire on the part of the defendant to flog a scoundrel, regretting his inability on account of poverty to indulge in the luxury. And yet, this bipedical absence of all brains and decency, from whose body the diseased flesh has left in disgust, and whose counsel intensified the brill-

iancy of the great Elisha Williams, strengthened the massive intellect of the God-like Daniel, sharpened the wit of a Van Buren, and sweetened the treason of a Burr, says the evidence is sufficient to bind over the defendant. One witness says that the defendant bought a box of matches a short time before the fire, saying at the time that he wanted to get some he could light in the wind.

“Is it a crime to buy a few matches a short time before a fire? Does the law say *when* matches shall be bought? Does it even indicate the kind, or specify the amount? The defendant proved that while hunting, a short time before, he had trouble in lighting his matches on account of the wind, and he bought those referred to, which he thought he could light without difficulty in the wind; nothing more. And yet the accomplished dwarf, brilliant egotist, and adviser of intellectual giants of the Empire State, says it is your duty to hold the defendant to bail.

“Another witness says that he saw the defendant on the night of the fire running rapidly therefrom. But, Your Honor, we proved that

the night of the fire was so dark that a man could not identify even a friend at the distance the defendant was from the witness at the time he first saw him. We also proved that on the night of the fire defendant was at Baxter's meat market, and until after the fire, and, while there, was not absent long enough to have gone and fired the lumber. Suppose he was seen, running, a few rods from the fire? Was that crime? Has a man no right to run except on nights that fires do not occur? Does the law say which way a man must run on the night of a fire? Must he, before he starts, examine the course carefully to see if there is any lumber on the track, and, if he finds any, run somewhere else? Is it innocent to walk, and arson to run, the same night that a pile of lumber happens to be burnt?

“One witness says the defendant was drunk on the night of the fire; and is that proof of arson? There might have been fire in the whisky he drank, not sufficient in amount to be transferred to any damaging extent to a pile of lumber. A man drinking whisky in this village, deliberately, would furnish some evidence of a

desire to commit suicide, but no proof whatever of arson. Your Honor, there is no evidence in this case to justify you in holding this defendant to bail. To bind him over would be an outrage which would render you and the district attorney liable to an action for malicious prosecution.

“I shall say but little about the temporary district attorney, for he is too insignificant to notice, and too worthless to refer to. He attempted to insult me, and would doubtless have succeeded had he claimed to be my friend. He says ‘he left New York to get rid of business and escape compliments.’ I have no doubt he left New York! He left in the night, a few feet in advance of a lively tin-pan brigade, who serenaded him out of the city, telling him as he left that if he ever returned the citizens would turn out *en masse* and tar and feather him. Yes, he left to escape compliments and business; yes, the gentleman who really represents the district attorney, who is continually snooping around for jobs, who could even bring such a case as this and try it for nothing for the purpose of making a show of business, left the great state

of New York and his brilliant associates to get beyond the reach of compliments which were becoming monotonous, and business which was impairing his health and growing oppressive. Yes, he has left New York, and she has outlived the calamity. How the lawyers of New York whom he had advised or annoyed so long must have felt when he left the state! How the judges of the different courts where he practiced must have sniveled when they heard he was going away! How the witnesses he had suborned must have regretted his departure. How the pimps he had cleared, whom no decent lawyer would have defended, must have groaned when he told them with tears in his eyes that he was about to go away! How his creditors must have shrieked when they ascertained that he was soon to pass beyond the reach of a personal dun! Yes, Your Honor, this quivering, skeletal importation from New York we trust will soon leave the state of Wisconsin.

“Let him go where meanness blooms and be happy; where vice abounds, and engage in business; where crime is rampant and struggles for glory, for he is too low and base to find con-



genial spirits in our young state. Let him go where his depravity and treachery, impudence and dishonesty, ignorance and effrontery, egotism and hypocrisy, may be appreciated, if not emulated. Your Honor, pardon me for saying what I have about him, for he enjoys the notoriety which springs from the basest infamy.

“I have no eulogies to pronounce upon myself. I have not the egotism necessary to even make the attempt. I am young, and inexperienced at the bar, I admit, although I read law in a good lawyer’s office, was thoroughly examined by an able and impartial committee, was sworn in, received my diploma, and am doing the best I can to succeed in my profession. Your Honor, examine the testimony in this case with the care and impartiality which its importance demands, ever bearing in mind that no man should be convicted or bound over upon suspicions or presumptions, but upon clear, competent and tangible evidence, and that alone. All the defendant asks in this case is even-handed justice; his poor wife expects it, his little children demand it, and the good of society requires it. Fair play and equal justice be-

fore the law he is entitled to, and he asks for nothing more."

As soon as I took my seat the crowd cheered me boisterously, some of the most enthusiastic yelling out, "three cheers for the boy and his great speech;" and as soon as silence was restored, the justice adjourned court until one o'clock in the afternoon. At one o'clock court met pursuant to adjournment, and all things being ready, the district attorney arose and addressed the court as follows:

"Your Honor, the driveling idiot, the trundle-bed hero, the featherless parrot, and grinning, bipedal monkey, has just finished his senseless harangue, and I will now present for your consideration such remarks as I deem proper under the circumstances. The evidence, as I stated in my opening, is very brief, but is clear, convincing, and to the point. It shows that a few days before the fire the defendant said he would like to thrash the complaining witness, for he had swindled him, which proves he had malice in his heart against him, and shows he was his open and undisguised enemy, and he wanted to injure him. Your Honor, you do not imagine

that lumber was burned by a *friend* of the owner; that would be unnatural and nonsensical. A man suffers, if at all, in such matters at the hands of his enemies. Your enemy plunges his dagger into your heart, or applies the red torch of arson to your dwelling. He said the complaining witness had swindled him, and that remark reveals the motive, for there is no crime without a motive. The complaining witness had cheated him, and he was anxious to thrash him, which he doubtless thought he could not do without detection and punishment, and he was too poor to afford a fine.

“He doubtless thought that in the darkness of the night he could crawl up and fire the lumber and escape without danger of detection; but in this he was mistaken, for as he was running from the burning lumber he was seen and identified. He claims he was at Baxter’s meat market all the evening of the fire, and until after it occurred, and a witness of his said he thought he was not gone long enough at any one time to have set the fire; simply thought so, nothing more. Your Honor, what was he doing at the meat-market all the evening of the

fire and until after it had occurred, on a cold night, and sitting on the outside of the market; no business or excuse for being there? Or was he there surrounded by the heads, and horns, and hides of his relatives and friends, and there to make a visit; and did he, when he left, go to the slaughter-house to stay all night? Your Honor, the story is a villainous fabrication.

“One of his witnesses swore that the night on which the lumber was fired was dark, but that was the testimony of a man who has been impeached so often in this court that the task has become useless and oppressive; for nobody for years has been foolish enough to believe one word he has uttered, even under oath, while the testimony of one of the best men in this county was, that the night was a light, moonlight night, and he identified the defendant without any difficulty. Your Honor, the proof shows that on the night of the fire the defendant was in a drunken condition, and ripe for crime; and you know as well as I that the worst crimes in the catalogue are committed by men under the influence of liquor. And, Your Honor, the pretense that he bought the matches to use while

hunting, corroborated in part by the testimony of one of his drunken associates, is too weak to merit serious consideration. Your Honor, the defendant is guilty, and your duty is plain; discharge it like a man. Acquit the defendant, and you license crime! Discharge him, and you encourage arson! Release him, and you will merit, and I trust richly receive, the unqualified disapprobation of this entire community! Send him out of court unwhipped of justice, and you will render life uncertain, and courts of justice a stench in the nostrils of all decent people; but you will not, can not, and I trust, *dare not* do it.

“Your Honor, I suppose I shall be obliged to give the chattering whiffet who has just addressed you a little consolation by paying a little attention to him. I regret the necessity which requires it, and the emergency which demands it. I congratulate Your Honor upon the patience which you have exhibited, and which his sickish conduct has so sorely tried during this examination. I feel sorry for his unfortunate parents, even if they are but collateral descendants of the human species, for the domestic blunder out of which grew the calamity

of his premature birth, leaving the brawling infant with a bare tax-title to humanity, against which the statutes of limitation had already run, and which any respectable judge would set aside of his own motion. I sympathize with the lowest orders of human life who are daily annoyed by his disgusting presence, and with the few decent people into whose society he occasionally forces himself. The most blood-thirsty desperado in the land finds in him an object too base for emulation. He swears that he studied law, was examined by an able and impartial committee, and, to the surprise of everybody, got a diploma. What a scene for a painter, or an ordinary white-washer, to have beheld him with a book in his hand wrong side up trying to study law! He examined by an able committee? What an amusing mockery it must have been! He received a diploma? What a farce and waste of *sheepskin!* What conveniences has he for reflection? He has subverted the law of his being by trying to assume an upright position in walking! He simply talks plain, eats hearty, sleeps well, and breathes

easy; nothing more. Your Honor, may Heaven forgive the thoughtless committee who perpetrated the ridiculous joke of his examination, and have mercy upon the judge who appointed that committee, and spare the people who were reckless enough to elect such a mutton-headed judge; and divine the reason, if you can, which induced the author of all good to create the territory comprising that judicial district.

“Your Honor, we all know that the ways of Providence are past finding out. What can he do with a diploma? Simply show it as an evidence that through the inadvertence of a stupid judge a fool might be authorized to practice law. He swore in as an attorney! What a burning shame. Will anybody ever employ him again as an attorney to try a lawsuit? How did he get into this? Who told the defendant he was a lawyer? Is there no law to punish the perpetrator of such a bold and malicious falsehood? What service has he rendered this defendant? By his offensive stupidity he has, I fear, prejudiced the court against his client. Did he comprehend the law of the case? He has no

capacity for such work. Did he understand the evidence? He has no tools suitable to be used in that kind of business. All he did during the entire examination was to deceive his client and disgust and annoy every person who came into his pestilential presence. Let him go and visit the hogs he fed, and the old mare he rode, and may the old mare and all the hogs have patience enough to endure his visit. Your Honor, I leave the case in your hands."

As he sat down there was a faint cheer, and as soon as it subsided the justice in a clear and solemn voice said:

"I am satisfied that there is not evidence enough to justify me in holding the defendant to bail. I therefore discharge him."

And then I tell you we had some mighty cheering, and the delighted crowd took me and my happy client upon their brawny shoulders and bore us in triumph to a place where on great occasions they sold fluids, and we commenced taking some pretty soon after we got there. The justice did not go with us, but said we could send a bottle up to his office the next



day, and the district attorney refused to go, as he was a temperance man and never drank publicly. We stayed and had a glorious old time and then went home, and I went to bed and slept soundly, and arose the next morning as sweet as a posy and as fresh as a daisy.

## CHAPTER VI.

## MY SECOND LAWSUIT.

I ate my breakfast and a very hearty one; I told the landlord that after what the district attorney had said about the old mare and the hogs, that he had better get some one else to take care of them, and he said, "all right." I then began to enjoy myself; I felt large and acted capable. I was satisfied that I was a very remarkable young man, considering my weight, age and experience. I had won a very important case, and my fame began to spread far and near, and I did a large amount of the spreading myself. A few days after the suit, as I was trying to smoke a mighty poor five-cent cigar, with a box of matches by my side, a poor, emaciated man of forty approached me and asked if my name was Thunderbolt. I replied with singular ability that it was. He said he wanted to employ me in a suit in which a doctor had sued him for his services, and that his defense was malpractice.

I asked him if he had any money, and he said he had thirty cents, but that he had a calf he was going to kill and sell before long, and when he did, he would pay me. I asked how old the calf was; he said about ten days old, but was growing awful fast, and was quite fat then. I told him "all right," for at that time I felt friendly to the poor. He said the suit was to come off at one o'clock that afternoon, before Squire Stebbins, who lived about five miles away, and that if we went on foot, we had better start at once. I got my library, and we started, and reached the place just as the justice was calling the case. The declaration was for balance due the plaintiff, one Doctor Nutmeg, for services rendered a year before, demanding judgment in the sum of thirty dollars. The answer which I then put in set up malpractice, stating, among other things, that Doctor Nutmeg had doctored the defendant in such an unskilful manner, that in consequence thereof he nearly lost his life.

The doctor was a little, shriveled up, weasel-faced, inferior specimen of diluted humanity, shrewd, heartless, and very repulsive. The jus-

tice was a short, fat, greasy, good-natured man, a very hearty eater, and could, as he frequently said out of court, suck more eggs in a day than any other justice in the county. He, however, knew but little about law, but had good sense, which, however, was not always at command, but, all in all, was considered a pretty good man; always kept whisky in the house, but rarely took too much while trying cases, except where the testimony was very conflicting, or the conduct of the attorneys very annoying.

The attorney for the doctor went by the name of Brown; he was a man of fifty, and the homeliest cuss ever seen upon the earth. He was tall and very slim, stooped terribly as he stood, cross-eyed in both eyes, one leg was considerably shorter than the other, a part of his nose was gone, and one ear had been bitten off in a lawsuit by a *souse*-loving member of the bar, and his voice was low and cracked; in short, he was not the man you would select, if you were a young lady, as a bosom companion for life. But, with all his peculiarities, he was rather sharp, and a man with con-

siderable experience at the bar. The justice said we must proceed.

The doctor was sworn, and, in substance, testified that he had doctored the defendant about a year before, and that he owed him therefor the sum of thirty dollars. Brown asked me if I wished to ask any questions. I said when I felt like it, but not then. The witness then left the stand, and Brown said he rested. I replied that he looked tired, whereupon he snarled out that I "looked like a fool." I told him if he was not a poor, tottering imbecile that I would *bust* his empty head. He then sprang at me like a tiger, saying, "I will give you all the imbecile you want." We clinched, and, in our professional struggle, Brown fell into the justice's lap, who, without much delay, rolled out of his chair, hitting the edge of a cradle as he fell, tipping it over, and spilling out on the floor a terrified babe of six months of age. The justice sprang to his feet and said, "Lucy, go under that bed and bring out that whisky;" and, turning his head partially around, screamed out, "George, that old sow is trying to bust in the kitchen door;" and,

casting his eyes in the direction of the garden, sung out, "Jane Ann, go out of doors as soon as you can, for that old brindle cow has got your aunt Clive's new bonnet on her horns."

By the time these orders were all given, Lucy crawled out from under the bed with a five-quart pail nearly full of whisky, and a dipper in her hand. The justice passed the whisky around and we all drank; Brown and I shook hands, and the court said the case was with the defendant. The defendant was sworn and allowed to tell his own story, and said substantially that Nutmeg, when he doctored him, gave him a large amount of blue pills and cow-*age*, all of which settled in his system, especially in his limbs, and that he barely escaped with his life. He also testified that he told the doctor that he was giving him too much medicine, whereupon the doctor replied scientifically, stating, as witness believes, "that his system was in a chronic state of great impoverishment, and that unless it could be toned up at once, the witness would pass into a state of large uncertainty, which would, sooner or later, induce tubercular strangulation of all the great arteries

which centre in the base of the brain, and that would be followed by a copious hemorrhage from the bowels, which usually ends in death;" and the witness said that, "rather than have all those things pitch into him at once, he would rather take the medicine;" which he says he did until he got frightened, and then he told his wife not to let Nutmeg into the house any more, and she did not; and also testified that he was "still suffering, as he believed, from the effects of the awful doses of medicine Nutmeg gave him." Brown said he "had no questions," and the witness left the stand, and the justice screeched out, "Thunderbolt, take your nasty feet off that clean table, and have sense enough to sit up in some kind of shape in court." I told him he was getting to be very nice, and that I guessed he had taken a larger drink of whisky than he was aware of, and that it was stronger and working quicker than he expected. This remark seemed to irritate rather than allay the court's excitement, and he said in a voice loud, firm, and dignified, "Thunderbolt, you are fined three dollars for contempt of court." I told him I thought that was too

much; he said he could not afford those contempts for less than three dollars, unless the gentleman took more than one; but that inasmuch as I had patronized him a good deal in that line, he would call it two and a half. I looked into my pocket-book and found only thirty cents, which I gave him, and he then wrote in his docket the following note, which I signed, dated ———:

“For value received, I promise to pay Esquire Stebbins two dollars and twenty cents, three months from date, with interest at seven per cent. per annum; interest payable annually. This note is given for the balance due for *one* contempt, and it is the understanding between the parties thereto that it shall not be transferred to any one who would be likely to crowd the maker.

(Signed) “ALLEN THUNDERBOLT.”

The justice then said the case was with the plaintiff. Brown said he would call the plaintiff and have him explain his own and the testimony of the defendant. Nutmeg came forward and made his explanation in his own way, and as follows:



“Your Honor, while I was treating the defendant, which was more than a year ago, I gave him no more medicine than our best authors say should be given in a case like his, and his testimony, wherein he attempted to state the medical terms which he claims I used in reply to a question he asked me, is inexcusably false. I am willing to state to Your Honor the nature of defendant’s disease in professional language, because I know you understand such language. The defendant’s disease in the main was hereditary constipation; which frequently, if allowed to run too long, becomes chronic, and is liable to ultimate in excessive discharges from the inner linings of the stomach, which sometimes drifts into a disease very much dreaded by the profession, called inflammatory colic of the heart; and my treatment was designed to allay nervous debility, induce a uniform and natural action of the liver, encourage the bowels, which were at that time very torpid, quicken the circulation of the blood, moisten the skin, open the pores, and sharpen the appetite; and at the time the defendant’s wife notified me to keep away from the house, he was improving rapidly.”

Brown said that was all; and asked me if I wished to cross-examine. I replied, "a question or two." I then said, "Doctor, have you given us the names of all the technical terms you know?" Answer: "No, sir." "Doctor, will you please to give us the *number* of your diploma?" Answer: "I cannot; for I have forgotten it." "Did you ever have a diploma?" Answer: "I did." "Where did you get it?" Answer: "At Castleton, Vermont, where I attended lectures." "Did you not borrow that diploma of one of the students at the institution and refuse to return it?" Answer: "No, sir, I did no such thing."

The witness then left the stand, and we submitted the case without argument. The justice then opened the statutes, read for a few moments in a most masterly manner, and then closed them, laid them on the table, and then took up "Gale's Form Book," and examined it with reference to different forms of malpractice, then deliberately laid down the book, rubbed his little forehead quite artistically, then straightening himself up in his chair in good judicial

shape, and in a clear, musical voice, rendered the following decision:

“Gentlemen, I have watched this case with great interest, and right here allow me to state that when you come to see me again I shall have, I hope, some better whisky than we have been drinking to-day. Gentlemen, I am satisfied from the testimony of Dr. Nutmeg, whom all must admit is a very scientific man,—for no man but a great physician could use such language as he has used in our presence to-day,—that science must be protected or into anarchy we go. It is evident to me from the tenor and spirit of our statutes and from the renowned “Gale’s Form Book,”—*one of the most uniform books* ever printed on this side of the Atlantic,—taken in connection with what I know about the effect of blue pills and cowage, that Dr. Nutmeg is entitled to a judgment. I therefore render a judgment in his favor and against the defendant for the sum of thirty dollars and costs.”

Whereupon the court adjourned and we all went home, and I to wait till the calf got fat. I

soon ascertained that after the calf found out the result of the suit, he refused to prepare himself for veal, and went into a pleasant decline.

After I got home, it being late, I went to bed and to sleep, arose the next morning feeling a little blue, for I thought I ought to have won the suit, but not daunted in the least. I reflected earnestly, taking in the whole situation, and in a short time came to the conclusion that *that* village was no place for me. I was growing faster than the village or the surrounding country, and, in order to give my young and expanding intellect fair play, I felt it was my duty to go to some place which had a better future than that place had. I arranged my matters with the landlord, borrowed a few dollars of a friend, and soon found a man who was going to start the next day and travel north to a little thriving village by the name of B., about seventy miles away, and he agreed to carry me and my effects for three dollars. I paid him, and the next morning we started, and after a pleasant ride of about two days, about dark, on the evening of the second day, we drove up in front of a little hotel in said village.

The landlord met us at the door and said we could stay all night, if we desired to; we said we did, and went in, and, feeling tired, I went to bed early, and just as I was dropping to sleep I was startled and somewhat exercised over the unpleasant music which always finds its way into an energetic and illustrious cat fight, which was raging in a hall adjoining my bedroom, which died out as soon as the combatants got out of wind. I then went to sleep, and had slept but a very short time before I was waited upon by a large and energetic delegation of bed-bugs, who were annoying me by visiting the different portions of my body, tasting my flesh, and sampling me generally as they traveled. I lighted my candle, and after a desperate fight succeeded in driving the most of them away. I then tried to sleep again, but soon heard a noise which sounded like piling lumber on the outside of the hotel, directly under my window, which I afterwards ascertained was occasioned by the nocturnal operations of a lumber dealer, who appeared to be connected in some way with the hotel, and who made his purchases of lumber in the night, after business

hours, and being too stingy to hire a dray, he carried it home in the night on his back, and piled it up under my window. He was the only lumber dealer in the village who lumbered exclusively in the night, and did all of his own work.

In a short time, however, exhausted nature gave way, and I went to sleep, and slept until about daylight, at which time I was awakened by the sweet music and enthusiastic dabs I was receiving at the hands and feet of an army of mosquitoes that no man could count. I fought them as long and as desperately as I could, and after receiving scores of flesh-wounds and bleeding at every pore, sprang out of bed, leaving them the field, dressed myself, went down stairs, out of doors, and amused myself until breakfast was ready by walking around and looking at the village. I ate my breakfast as soon as it was ready, and walked up town to see about finding and renting an office, and, after considerable hunting, I found a crabbed old chap who said he would rent me a room for an office for three dollars a month, but must have his pay in advance. I paid him the three

dollars, bought an old pine table with a poor drawer in the end, which I have yet, and for which I paid five dollars, three chairs for which I gave two dollars and fifty cents, paid twenty-five cents for a broom, and then had ninety cents in money left. I then took my traps and moved in; and my library since my first location had increased, for I then had the Statutes, Kent's Commentaries, Gale's Form Book before mentioned, thirty-two sheets of fools-cap paper, seven small envelopes, three large ones, four goose quills, nine steel pens, a small bottle of first-rate ink, lots of wafers, three blank deeds, and one blotting pad which had been used but little.

Now a word about my clothes. My pants had worn long and well, and were most of them originally sheep's grey. My vest the same material; my coat had been manufactured with great care out of an overcoat which father had thrown away, made of some kind of tweed, I think. I wore a plug hat which I bought of a Methodist preacher for whose head it was too small, and cost when new about two dollars; and had on a pair of good solid cow-hide boots

of a bright red color; but my stockings were nothing extra.

After I had been at the hotel a few days, the landlord came around early one morning among the boarders and said that "unless we chipped in and paid him some money, we could not have any beefsteak for breakfast that morning." I handed him fifteen cents, and some of the boarders who were pretty well off gave him forty cents. I then made up my mind that the way I was fixed I could not stand many more contributions of that kind, so after breakfast I went out and hunted for a job, and was lucky enough to get a chance to work on the highway for a dollar a day, which I stuck to for about forty days. I then got a job of surveying which lasted a few days, and I got a pair of boots on the job. In the fall I hired out to a first-class butcher to help kill hogs for one dollar and twenty-five cents a day, which was mighty hard work, and, when we got a poor scald, was very discouraging. After my butchering, I got a job of husking corn in the country on shares, but made poor headway, for the reason that *that* year was a great season for *nubbins*. In the



meantime I kept my board and office rent paid up, and after a while I rushed into no business whatever, which continued with slight interruptions for a long time.

I feel it my duty to state in this connection that in the fall of 1852 I was nominated and ran for district attorney, but on account of the unpopularity of General Scott, who was a candidate for the presidency at the same time, I was defeated, not having sufficient influence at command to elect us both; but in 1856 I again ran for the office, succeeded in electing myself, but was unable to elect John C. Fremont, that being a bigger load than I could carry. In 1860 I ran again for the above office, and had no difficulty in electing myself and the lamented Abraham Lincoln by a very large and flattering majority.

## ✓ CHAPTER VII.

## A FRIEND'S LAWSUIT.

One dark, dismal day while I was suffering from a severe attack of the blues, an old lawyer, a friend of mine, came into my office and gave me the amusing particulars of a lawsuit which he had tried a few days before, and which I will give you as best I can from memory. The plaintiff's name I have forgotten — and if I had not, I would not tell you, for some of the parties connected with the trial are possibly alive — who brought a suit against a man to recover the pay for a horse, which he claimed he had sold him, insisting that he owed him therefor the sum of ninety dollars. The defendant denied buying the horse, claimed that he had paid him in full for him; that he was partially blind and totally worthless when he bought him, which defects plaintiff well knew he had at the time he sold him. The defendant had no lawyer, but had stated his case fully to the justice, who told him not to incur the useless

expense of hiring an attorney, as he could assist him some himself, and should tax nothing for his services, as that would be contrary to law; **but** intimated he could, if he saw fit, give his wife a new calico dress or something of that kind; and the defendant, understanding the court, went to trial, relying upon himself and the promised aid he was to receive from the court.

The justice was a man about fifty-five years of age, was born quite early in life in one of the New England States, and within a stone's throw of Plymouth Rock, as I have heard him say frequently. He was a short, plump, thick-set man, with a heavy body, a small pair of legs, which, like all other legs when overloaded, were apt to get discouraged and give out. His head was large, round and fat; his jaws were broad and indicated great strength; his mouth finely chiseled, with rather too large a chisel; his teeth large, long, heedlessly arranged, but very white; his nose, a beautiful cross between the old-fashioned pug and the genuine Roman; his face of a charming pink color, and at times quite expressive; his hair, of

which he was very proud, was coarse, long, shaggy and quite thick; his whiskers short and far between; his forehead was broad, but not villainously low; in temperament he was a genuine lymphatic; his appetite was fine, and his mastication truly wonderful. He was genial, very communicative, especially in court; was kind, healthy and happy, and at heart as good a man as ever lived, although he did foolish things which brighter men could not have done with impunity; but was conscientious, and acted up to all the light he had, which at times was very dim.

It was a beautiful day in September, and there was a great crowd of people present to see and hear the trial; some had come ten miles and more, prepared to stay a day or two if necessary. The plaintiff was a sharp, shrewd, wily man, full of tricks, one of the most successful horse-jockeys, and as fond of law as a healthy cat is of milk. The defendant was a clever, well-disposed man, but a poor match for the plaintiff in a horse trade. My friend's, the plaintiff's lawyer was able, full of resources, and one of the brightest lawyers in Northern Wis-

consin, with a large and varied experience, full of genuine wit, biting sarcasm, pleasant humor, and as agreeable a man as one would wish to meet.

After a little skirmishing the trial commenced, and the plaintiff's attorney made a few remarks to the court and some to the crowd concerning the case, and then quietly took his seat. The defendant then rose to his feet, and, in faltering tones of uncommon tenderness, said that he should not say anything about his defense, for the reason that he was willing to leave the matter to the court, who knew more about the case than he did, and the explanation produced by this startling and unexpected statement made him feel like sitting down, which he did upon a little stool near the justice. The justice then told the plaintiff to proceed, who then called as a witness a man who went by the name of Crookshanks,—the names of the witnesses I have been kind enough to furnish in this case,—who immediately lighted his pipe, walked to the witness stand, and stood up as well as he could, considering the chance he had, and was sworn. He was a long, lantern-jawed chap with a low,

retreating forehead, chock-full of deceit and malice, and, upon the whole, very repulsive. He looked around upon the crowd, and began to swear to the best of his ability for the party who called him, and stated to the court that he did not wish to be questioned, for he had always been allowed to tell his own story, claiming that he had been taught to swear in that way, saying he was very apt to get confused if he attempted to answer questions. His story was short, well committed, quite plausible, and produced all sorts of impressions upon the justice and the crowd, some of them stating quite audibly that they believed he lied, others intimating that other portions of his story might possibly be true.

The defendant asked the justice if he could have the privilege of cross-examining the witness, which, after quite a lengthy discussion, the justice granted. The defendant then commenced putting questions to Shanks with a great deal of energy and with some ability, and in a short time had Shanks nicely confused, and completely riddled him and his little story which he had committed so well, which appeared to

weaken his testimony. As soon as the cross-examination finished, the tickled crowd cheered the defendant, who, with a gentle bow, acknowledged the compliment, and as soon as the depressing effects of his wonderful effort had passed away, he called for a drink of water, which he drank *quite plain*, and then took his seat.

The plaintiff then called a chap who went by the name of Elisha Beeswax, who took off his coat, marched to the witness stand, and said he did not like to swear, but would rather affirm. The justice affirmed him. Beeswax was a young man, apparently twenty-five years old, small, well formed, rather good-looking, a good euchre player, seldom "nig'd," a fine jig-dancer, owned a half interest in an old violin, chewed good tobacco, considered quite a beau among the girls, had been vaccinated for the nightmare, had had the measles, and had entirely recovered from the whooping cough. His testimony was short and not very flattering to the plaintiff. He did not seem to know much about the case, and what he did, as related by him, was somewhat damaging to the plaintiff, who dropped him as soon

as he could, without attracting too much attention, and the defendant, not at all disturbed by his testimony, stated to the court that he did not wish to cross-examine.

The justice looked for a moment into the Revised Statutes which were lying open before him, and then in a clear, unfaltering voice, told the defendant that under the constitution of the state of Wisconsin he was not obliged to cross-examine a witness in a case of that kind, unless he chose to, and that he was not aware that the constitution had been changed in the least in that respect. This decision of the justice gave the most profound satisfaction to the crowd, and the excitement at this point was very intense. The witness was so overcome by this unexpected decision of the justice, and feeling too weak to walk, he was aided by two healthy and ambitious bystanders to his seat. His coat was then put on, and he was told to keep as quiet as he could for the present, to which request he responded with a smile "that was child-like and bland."

The plaintiff then called as a witness one George Borax, who immediately got up off the



floor where he was badly curled up, and with more reference to comfort than beauty, and walked with considerable ingenuity to the witness stand and held up his *left* hand to be sworn. The justice told him to hold up his right hand. George said that he was left-handed. The justice replied that it was not legal to be sworn left-handed. George grunted a little, but finally held up his right hand and was sworn, and the crowd all said that it was the best oath they had ever heard, and did not sound a-bit like the other oaths. George was a small man, compactly built, quite ordinary in all respects, and his testimony, some of it, appeared quite possible, although the justice told him twice during its delivery that perjury was a crime in that part of the state, especially in justice courts. The witness replied with a snarl that he knew that before; his testimony apparently strengthened the plaintiff's case, and the justice himself asked him a few questions on cross-examination, but elicited nothing of importance.

The next witness that was called was an old lady by the name of Aunt Sally Peppermint,

who immediately revived up, and in a very intelligent manner told the court that she would not swear until she got her fees, and would like to behold the man that thought she would. The plaintiff then scratched his head, and borrowed the amount of a Methodist preacher who was there attending the trial with his family, and handed it to Aunt Sally, who took it, thanked him for it, and was sworn. The attorney for the plaintiff put a few questions to her, and from the answers he received soon discovered that at least half of the time she was swearing for the defendant. He then asked Sally why it was that she swore as much against the plaintiff as in his favor, whereupon Aunt Sally, rising to her little feet, and in a voice of suppressed sweetness told the plaintiff's attorney that she "had been subpoenaed upon both sides of the case, and that she had received a little the most money from the defendant, and had been trying to obey both subpoenas by dividing her testimony as equally as she could between the parties." That unexpected torrent of sarcasm was greeted with the most vociferous applause, and one chap more enthusiastic

than the rest screamed out at the top of his voice, "Sally, I am with you to the end." The cheering was soon brought to a close by the startling announcement that there was a terrible dog fight in the front yard, whereupon the justice, followed by the attorney for the plaintiff, and the crowd, rushed out to see the dog fight. It was a very fine fight, and as is usual in such cases, stopped as soon as one dog was whipped. The whipped dog was a poodle which belonged to the presiding elder.

The justice then repaired to the court room, and said he hoped there would be no further interruption during the trial, and then turning to the plaintiff, told him to proceed. The plaintiff's attorney, rising gradually to his feet, in a low and polite voice, said he rested, and the case was with the defendant. The justice then winked to the defendant, followed him into a bedroom which was hard by, where, after remaining a few moments, they came out into the court room, and the justice took his seat. This was considered at the time as a very strange judicial proceeding.

The defendant then arose and said that he

made a motion for a non-suit. This unexpected motion made the plaintiff's attorney spring to his feet, but before he could open his mouth the justice roared out, "the motion is granted." The plaintiff's attorney then, with great earnestness and professional gravity, stated that he made a motion to amend, and that his right to do so was so clear and undisputed that he should not argue it. The justice, after a moment's reflection, said that he "supposed he had a right to amend, and he did not propose to burn his fingers by doing anything to prevent it." The plaintiff's attorney then amended the pleadings and some of the testimony, and then demanded a jury, and in support of his demand read a portion of the constitution of the state, and indulged in liberal quotations from various elementary authors. The justice remarked at the close of his argument that the right to a trial by jury was a privilege inestimable to freemen, and formidable to tyrants only. This highly aristocratic and unusual judicial remark was received with three deafening cheers for the court.

The constable having left town to attend a

horse race in an adjoining village, it was finally agreed that the plaintiff should strike and summon the jury. The plaintiff took a piece of paper and wrote down six names, borrowed a pony of the justice and went for the jury, with which he returned in about two hours, and in the meantime the justice stated that he would furnish to those who wanted it a large bowl full of bread and milk for fifteen cents a bowl. This was considered a very liberal offer, was greedily accepted, and in a short time the justice disposed of all the surplus milk he had, and gathered in considerable change.

The jury were then sworn, and by virtue of an agreement between the parties, the testimony which had already been given as taken down by the justice, should be read by him to the jury, who were to give it the same force and effect as though it had been sworn to by the witnesses before them; and as soon as the justice had read it, the plaintiff called as a witness a man by the name of Beech, whose testimony was short and pointed, and then rested. The defendant then briefly stated his defense to the jury, and closed by saying that "truth

crushed to earth would rise again, if not crushed too much," took his seat, and then called as a witness a man known in literary circles as Limber Jim. Jim was a young man who had worried through twenty summers, and had some energy left; his appearance upon the witness stand was modest, kind and obliging; his testimony frank, plain, and apparently free from guile, and produced a very favorable impression, and all attempts on the part of the plaintiff's attorney to confuse, annoy, or throw him off his guard, or in any manner to weaken his testimony, were unavailing, and he took his seat in a very quiet manner.

John Snowflake was then called as a witness. He was an old man of seventy years, had been a witness frequently in justices' courts, was considered a little shaky at times, although it was believed by some of his neighbors that upon one occasion he actually told the truth, but at the time he did it he was in very poor health. The defendant asked him a few questions which he answered very cunningly, showing but little feeling, manifested a great desire to have justice take place, and his testimony was generally

believed, and he took his seat with such apparent fairness, and his great experience as a witness, aided by a vast amount of natural cunning, rendered him more than a match for the plaintiff's attorney, who soon discovered it, and abruptly brought his examination to a close.

The defendant then called an old lady by the name of Buckhart, who had seen fifty years or more, was very large and fat, and upon hearing her name called, waddled along to the witness stand, and being rather feeble, was allowed to swear sitting down. Her testimony was lengthy, considering her build, rather uncertain, tinctured with prejudice; and upon cross-examination once or twice she showed considerable temper, but the kind-hearted justice told her during her examination to keep a stiff upper lip, for she was on the right track; and the old lady did the best she could considering what she had to do with, and left the witness-stand very much pleased with her testimony. The defendant said he had no more testimony. The plaintiff said he had none. The justice then said the case was closed except the arguments of counsel.

The court then said he would like to make a few remarks to the jury in behalf of the defendant, if it would be proper in such a case. The plaintiff's attorney said it was not usual for the court to address the jury, yet he was satisfied that under the law he had a right to if he saw fit. The plaintiff's attorney then said he would waive the opening. The defendant should speak first, the justice next, and he would close the argument for the plaintiff; whereupon the defendant walked up in front of the jury and commenced his speech.

He was greatly embarrassed at the start, which increased as he proceeded, but he blundered and stammered along, and at last made a desperate effort to be eloquent, but failed; bursting into tears, and, chagrined and disappointed, tottered to his seat, which he reached without much delay. The audience groaned audibly, sympathizing with the defendant, and the justice immediately arose to his feet and began his speech. His voice was deep and very rich, his gestures at times were graceful as a willow in the wind, at others violent as the hurricane's blast, his bursts of eloquence grand and



astounding, his sallies of wit sweet, harmless and refreshing, his attempts at sarcasm very amusing, his denunciations frothy and bewildering, his argument fragmentary, soft and smothering, his peroration loud and deafening; and when he closed his masterly effort, the excited multitude seized him in their brawny arms and carried him into the *battery* in triumph.

The plaintiff's attorney then began his speech in a very easy and quiet manner, his voice though low was very mellow and clear, and his gestures mild and appropriate. He reviewed all the testimony given in the case with great ingenuity, handled the witnesses for the defendant with professional beauty, but with merciless severity, charming the audience at times with his inimitable bursts of eloquence, at others terrifying them with the torrents of his terrible invective; and the poor justice, one moment smiling at his sparkling wit, the next groaning under the horrible thrusts of his withering sarcasm. His argument was logical, compact, powerful, and produced a profound effect, especially upon the jury, some of whom actually shed tears, and when he took his seat the

applause was actually astounding, and lasted at least for five minutes.

The justice then swore the plaintiff to take charge of the jury, and to be careful and not misrepresent the testimony to them in the jury room; whereupon, the plaintiff conducted the jury up stairs to deliberate and went into the room with them himself to prevent fraud. They remained a short time, returned, and handed their verdict to the justice; it was in the handwriting of the plaintiff, and in his favor. As soon as the justice had read the verdict he flew into a terrible rage, tore it in pieces, and then turning upon the jury, addressed them as follows:

“Gentlemen of the jury, the verdict you have so recently rendered, and which I have just torn in pieces in your presence, was an unjust and almighty mean verdict. It was contrary to law, evidence, and decency, and you knew better than to have rendered such a verdict; for I told you in my speech what the law was, and what the evidence proved, and you all understood me, for I made it plain to you, and you knew you had no right to disregard my re-

marks in such a case; you were aware that I understood such matters better than you did, and you must have known that I would not deceive you. Gentlemen of the jury, I am ashamed of you, judicially ashamed of you, personally disgusted with you, and have not the language to adequately portray your depravity as evinced in this case, nor the patience to describe the contempt in which I hold you. Gentlemen of the jury, you have offended me by setting my speech and authority at defiance, you have disgraced yourselves, brought jury trials into disrepute, made justice uncertain, corrupted the once sweet springs of equity, helped the plaintiff and injured the defendant, and I warn you not to render another such a verdict during your natural lives. Gentlemen of the jury, the people will not endure such a verdict; you are discharged; go home and stay there, and try and behave yourselves the balance of your lives, and for God's sake never have the impudence to sit upon another jury as long as you shall live, for it pains me exceedingly to know that six men can be found in our beloved state low and heartless enough to bring in such

a detestable verdict; and in conclusion allow me to say, *the verdict is set aside!* I have the authority, thank Heaven, to do it, and it is done. Whereupon the trial closed, and the next day the parties compromised the case in a manner alike honorable and satisfactory to all the parties concerned.

## CHAPTER VIII.

THE LAWSUIT AND WHISKY REBELLION OF  
1854.

On the morning of the 16th of May, I think, in the year 1854, I know, the citizens of the pleasant and quiet little village of B. arose as usual. The old ladies got up, folded their night-caps and laid them under their pillows, washed their good-natured faces, combed their old-fashioned and venerable heads, put on their shoes and stockings, and prepared for breakfast which their busy daughters were busy in cooking.

The little children got up, washed, put on their shoes and tied them, and the shoe-strings were all right, went out to do their morning chores and get ready for breakfast and for school; and their fathers arose and prepared for their daily toil.

The morning was bright and beautiful, the sun looked very much as he did the day before, his rays were warm and encouraging, the little stars some time before had blown out their

lights and gone to sleep in the heavens, and the pale-faced moon had retired to brush herself up for the coming night. The air was soft, fragrant and balmy, with hardly wind enough to disturb the foliage on the trees, which were vocal with the sweet music of birds, and no one dreamed that a terrible calamity was almost ready to burst and disturb the sweet quiet of that beautiful village; for B. was one of the most charming and bewitching villages in Northern Wisconsin, and looked as though it had been made by some master artist in a great workshop of beauty, and then dropped down at the side of a lovely river of pure, sparkling water, between the hills. The streets were clean and admirably laid out, it had a population of about one thousand, made up of strong, healthy and industrious men, and handsome, virtuous and intelligent women. No money or pains had been spared to beautify and ornament the happy homes which were nestled down on the village plat, shaded by beautiful trees, protecting them in midsummer from the scorching rays of the sun, and sheltering them from the cold winter's blast; and the little church "around the

corner" was filled every Sunday with the solemn worshippers of the unknown God. The village of B. was really a very temperate place, there being but two or three public resorts where liquor was sold, and that in moderation.

✓ About ten o'clock a noise was heard; we many of us looked but saw nothing; the noise was repeated; we looked again, and the sight that saluted our eyes I shall never, no never forget; it was heart-rending; was so shocking, so terrifying, so bewildering, so cruel and unexpected, that I almost shudder when I think of it. Gentlemen and *Ladies* of the bar, if my feelings do not overcome me I will try and describe it. About forty women, more or less,—middle-aged and young, married and unmarried,—were seen marching two by two towards a little hotel at the north end of the village kept by an old and very quiet and good-natured German who was absent from home, and who actually did sell beer and whisky, and that quietly and decently, and his wife, a fat, pleasant woman, and an excellent hired girl were in possession of the premises. The tread of the female soldiery was very firm, energetic, and measured. Their

gestures full of fire, energy, and determination, and their costumes such as not to interfere with great muscular effort. They marched up boldly to the hotel, had a short parley with the inmates, and then demanded that they surrender up to them for immediate destruction all beer, whisky and other liquors there were on the premises; which demand was politely and very firmly ignored. Right here, in justice to the ladies, allow me to state that they were ladies of excellent character, many of them the very best in the village; had been told, it was stated, that selling liquor was a terrible crime, and in violation of a higher law, by ministers of the gospel who knew or should have known better, and that they had the *right* to destroy publicly or privately all the liquor they could find, and they relied — which, as subsequently turned out, was rather risky — upon said advice, and were then acting in accordance therewith; and their convictions were doubtless strengthened by the fact that a little short, plump and tricky lawyer, who was generally fuller of fluids and mischief than of law, had told them to go ahead, and he would dress in female attire and join them in



the expedition, and afterwards backed out, convincing us all that all he desired was to get the women started, and was cunning enough not to inform them of his change of purpose until about an hour before they were to start on their great work, which was too late for them to abandon the raid.

As soon as their demands were refused the battle commenced, and the avengers ransacked the hotel from cellar to garret; before they commenced they *arranged* the inmates by scaring one and tying the other — carrying out kegs of beer and rolling barrels of whisky, and with hatchets in their hands larger than the one used by George Washington, split the heads of the barrels and kegs, spilling their precious contents into the unsuspecting bosom of old mother earth, cheered by the excited crowd, which was rapidly increasing every moment. Upon the outside of the battle field might have been seen knots of two or three law and order men, wringing their hands and exclaiming in the depths of their agony, “What a pity it was to allow a lot of crazy women to fool away so much whisky in such a cruel and heartless manner.” As soon

as the warriors had disposed of all the liquor in kegs and barrels, they attacked with great violence all the bottles, decanters and beer glasses they could find, and hurled them into the street with wonderful energy. They then wiped off the perspiration from their brave alabaster faces, rested a moment, and then marshaled themselves in battle array. They counted themselves, and found they were all there; none of their precious lives had been lost, and, thank Heaven, none of them fatally wounded, although some of them in handling decanters had cut their delicate fingers, which bled freely for liberty and temperance; and I thought, at the time the battle was raging, that all the talk about *woman's sphere* was a humbug.

They then marched in a southeasterly direction and halted in front of an old widower's or old bachelor's little grocery, followed by their lovers, who were enjoying the bravery of their sweethearts; by husbands too, who knew before then that their dear wives were endowed with large quantities of pluck, and blest with some temper; and by brothers who were surprised to learn that their supposed delicate sisters could

carry single-handed and alone such awful big kegs of beer with so much ease and grace; and I thought, at the time, that ladies who could handle barrels and kegs as *manfully* as they did could even go to the polls and vote without any danger of permanent demoralization.

As soon as they had fairly stopped, I think one of the *major generals* walked up to the old bachelor, or widower, as the case may be, and in a voice loud enough to fracture the slumbers of a sleeping infant, demanded the surrender to them of all the beer, whisky, and everything else that would intoxicate that he had on hand, and he in a voice tremulous with emotion — for he was not a brave man, did not wish to be killed then, knew something of female ferocity when aroused, although it was hinted at the time that he was engaged to be married — said he would; and repaired to the rear end of his grocery, rolled out a little keg, and with, tears in his eyes, said, “ladies, here it is,” and it was instantly seized by the blood-thirsty corporals, carried into the streets, its contents emptied, which proved to be hard cider which its unfortunate owner had been saving for vinegar.

Thus ended the second battle of the great campaign.

They then marched, followed by the cheers, groans and hisses of the excited population, in a westerly direction to another grocery, in which they had heard there was a part of a keg of beer. The army then divided, part of them going to the front, where they were met by the owner, who armed himself with an ax helve and very politely informed them that they must not attempt to enter his place of business, and they stopped, doubtless supposing he was in earnest; but in the meantime, the balance of the army, led by a woman who lived in the house of the groceryman, and to whom he had been very kind, crawled around and entered the building at the rear, and in a short time found a keg partly full of beer, which they carried out and soon dispatched; and thus ended the third battle for temperance, and law, and order, and many of us believed at the time of the termination of said battle, that the benefits which communities usually receive from mob violence have been woefully underrated.

The little band of heroes then counted them-

selves, and found that they were all there, well and healthy, and ripe for another engagement; so they started for a large and rather attractive saloon, kept by a wiry and fiery little Frenchman, about thirty rods east, which they soon reached, drew themselves up in battle array in front of his saloon, and then with great military gusto, imperatively demanded his liquor of all kinds, which demand the little Frenchman then and there very indignantly ignored, and flatly refused compliance therewith. His wife then stalked out of the saloon—and her *situation*, dress and appearance showed that she cared more for her personal comfort than she did for beauty or modesty—and walked up and down in front of the saloon in a state of wild excitement, and after walking a short time, suddenly halted, and turning upon the little band of temperance heroes, and in a voice full of energy and fire, addressed them as follows: “Women,—for you are not ladies—you see my situation; go home and mind your own business, and let us alone,” and then went into the saloon, and at the time she made that remark I thought that our forefathers of the revolution

had fought in vain, or at least had bled a little too much. In a short time thereafter her husband seized an old shotgun, and with a terrible oath in French, forced the barrel through a light of glass, discharging its contents into an old drygoods box standing hard by.

This unexpected and rather startling military demonstration scattered the brave soldiers, who flew in every direction, getting some mud on their faces and more on their laurels. They rallied into rank as soon as they could arrange their bravery, which had just received a very severe shock. At this point the excitement was very intense; men, and even women, never known to have been excited before were quarreling all around the field of battle; man-fights were threatened, two terrible dog-fights were intercepted in an unfinished state, and first-class oaths were used freely and with surprising fluency. At this critical period, when it seemed to many of us that self-government was a contemptible failure, a noted parson who was following the Lord at a distance too great to annoy, was seen walking to and fro near the saloon, evidently for the purpose of encouraging

the women in their great work of love, too discreet to take a hand, but brave in advising. His walk was suddenly checked by the deputy sheriff, who, thinking something should be done, with characteristic pomposity appeared in their midst, read the riot-act in a loud, clear voice, and then turning upon the renowned elder, said, "Elder C., disperse." The elder with great solemnity said that he could not without flying all to pieces, and the faithful deputy, not wanting to take the chance of such a *fragrant* calamity, said no more, and the struggle went on.

In a short time a few men, who proved to be friends of the Frenchman, burst in the door of the saloon, entered it, and before they could close the door a few of the most daring soldiers rushed in after them, but only to be told that they must keep their little hands off the liquor. This remark so enraged the cruel and determined soldiers that they grabbed a rather uninviting chap, who appeared to be there in the interest of the Frenchman, and in a twinkling tore off a large part of his somewhat dilapidated pants, which he had worn since the Black Hawk war, converting him into a traveling fortifica-

tion, which no weak stomach could encounter with safety, leaving the disrobed individual in a state of constructive *nude um pactum*. But justice, however, compels us to say that the husband of the woman who so savagely riddled his pants bought him another pair, which I presume he has on yet, at a cost of about two dollars, and the ladies, finding they could not get at the Frenchman's whisky, left the saloon, broke ranks, and repaired to their respective homes, covered with perspiration, perfumed with the pleasant fragrance of stale beer, uncertain whisky, and chock-full of military glory; and, at the usual time, went to bed to dream of broken kegs, empty barrels, shattered beer glasses and bloody fingers, cut with ruptured decanters, and of temperance triumphant, and justice vindicated at the delicate hands of a *lady mob*.

At night a large meeting was held in a small church, which was filled to overflowing with hot-headed men and women, at which violent speeches were made in justification of the raid, followed by others bitterly denouncing the same, and broke up in what illiterate people



would call a row. The next day was a busy one; papers were industriously circulated and freely signed, in which men and women pledged themselves not to trade with persons who were opposed to the raid, and who did not fully indorse the same, calling them "rummies;" and young ladies pledged themselves not to receive the attentions of young men who drank beer or whisky or loved the smell of either; and many a poor maiden went hungry for a beau a long time before she would violate her pledge.

A couple of days after the battle, the landlord whose property had been so ruthlessly destroyed, returned, and counseled some lawyers in the village — one of whom was your humble servant — as to what his rights were in the premises. We told him that, inasmuch as he was selling liquor under a license lawfully issued, his business was legal, and that the parties who had destroyed his property had committed a crime, and ought to be arrested and punished therefor. They called us "rummies;" clergymen who claimed to be champions of a higher law, who advised the violation of human law with mock and sickening solemnity,

said "you are whisky guzzlers;" and even after that we thought our advice was sound. Our client took and followed our advice, and in a few days went before a justice who lived about fifteen miles south of the village of B., in the village of S., made a complaint, upon which the justice issued a warrant for the arrest of a few of the most prominent ladies engaged in the whisky raid.

The reason of going there to procure a warrant is found in the fact that it was generally believed that there was too much excitement in the village of B. to have a fair and impartial trial, and it was thought by the attorneys for the landlord that in the village of S. the ladies could have a fair trial, and it was understood the said justice who had issued the warrant was not prejudiced to any alarming extent against the sale of liquor, and we thought if he believed a woman was guilty of a crime he would punish her as quick, and just as much, as he would a man; and the situation of the landlord was such that he needed the judicial services of that kind of a justice. The deputy sheriff armed himself with a revolver minus

a lock, and in a most masterly manner arrested the defendants and conveyed them to the village of S. in carriages, as good as the law ever provides shall ever be furnished to criminals. And right here allow me to say with great warmth and proud satisfaction, that during the trip to the village of S. none of the ladies offered any violence to the charming deputy who conveyed and accompanied them. When they arrived at the village of S. they were politely escorted to the office of the justice, which was large and capacious, and apparently ready to receive them, and the people in the village acted as though they expected visitors.

The justice was a German, and had been for some time; was about fifty-five years of age, with fine natural abilities, a man of culture, of polished manners, with a large and varied experience, and a very fine gentleman withal. The office was full, mostly of Germans, who were anxious to see the female warriors who had spilled the whisky, and hear the trial; for many of the Germans who came to see the defendants never had been in the army, and in Germany from whence they came, the ladies

were not in the habit of going out in companies of forty or more to destroy their neighbors' property; and that fact is what makes us all feel so friendly to the Germans.

Shortly after the trial commenced, it was thought by some of the wisest and most discreet men in the county that ice cream was a great luxury in the army, and would be heartily relished by the gallant lady soldiers, and accordingly quite a purse was raised and judicially invested in the precious fluid, and then, in dishes temptingly large, was passed to the ladies, who, in a very prompt and spirited manner, refused to touch it. We were all surprised and somewhat discouraged, but thought it should not be wasted, and a few of us, who were professionally fond of it, carried it out into a front yard adjoining the court room and ate it up with some energy and great comfort.

The trial was long and very interesting; the lawyers labored hard and persistently for their clients, for justice, money, and some glory, and the justice seemed to be alive to the principles of justice, human equality, and well posted in the law relating to the title to personal prop-

erty. The defendants, during the trial, received marked attention from all present, and were kindly pointed out frequently to strangers who had traveled a great distance to see them, and they were the continual recipients of all kinds of compliments, from which many pleasant ones could easily have been selected, and were not, during the trial, annoyed by ladies from the village of S. coming in to confuse them with perplexing questions, or invitations to dinner; and the gay young Germans never smiled so sweetly as when they looked into the brave faces of the plucky female warriors; and the old deputy, by his almost suffocating politeness, distanced our most sanguine expectations. And yet the lady warriors were not happy, and refused to be comforted; but such is life.

The trial closed, and the justice, whose mind appeared to be made up, said that "the evidence proved beyond all cavil that the defendants had committed a misdemeanor under the statute, and that it was crime under the statute, even in Wisconsin, for ladies to destroy the personal property of their neighbors; that even under a republican form of government the right to de-

stroy personal property was not one of the rights referred to in the Declaration of Independence, and to secure which many of our forefathers in the Revolution fought and bled so generously; and he hoped they would convert their spears into pruning hooks, and amuse themselves hereafter by discharging their domestic duties, and by smothering all the desire they had in their hearts for war." He then said he "should have to hold them to bail, and in the sum of five hundred dollars," I think. Their attorney said they "*would not give bail.*"

A warrant of commitment was then made out, and they were transferred in comfort to the jail in the village of B., and as the officer was about to deliver them to the jailor, they were taken out of his clutches on a writ of *habeas corpus*, which was immediately brought to a hearing before a clever, dull, but very kindly disposed county judge, who held them to bail for six weeks, and said that at the expiration of said time he would announce his decision. At the expiration of said time he did, and decided that the defendants had not committed a crime, and discharged them; and at the time he made

the decision he looked around and asked the attorneys for the plaintiff if they wished to hear the reasons for his decision. I replied that it was bad enough to listen to his decision, and that I did not want to be annoyed by a relation of the reason on which it was founded. Between the time he held the defendants to bail temporarily and his final decision, some of the ladies of B.—and I guess some of the defendants —suppered; toasted and flattered the good-natured judge, thereby polluting just a little the fountains of justice, and besmearing quite a good deal the judicial ermine; and by their adroitness and cunning muddled the torpid brain of the judge, who was better arranged for *flattery* than for legal investigation. Yes, his great, fat brain they muddled, and induced him to render a decision of which, upon a little sensible reflection, any man with sense enough to eat mush and milk would be ashamed, and I have no doubt that in after life he deeply regretted it, for he was an honorable, high-minded man, and would not intentionally do a corrupt act for the world; but he was no match for a score or more of crazy women who artfully surrounded and completely

bewildered him, and upon *them* rests largely the odium of that strange and silly decision.

Our client again counseled us and we advised him to bring a suit against some of the defendants and their husbands for the value of the property destroyed, which he did; and the husbands of the defendants, too sensible to contest, settled it, paying two hundred dollars or thereabouts, which was equally divided between the attorneys for the plaintiff; our client insisting we should take it all, claiming that the amount was a very small compensation for the services we had rendered him, and rather than have any difficulty with him we cheerfully consented to keep it all.

Thus ended the great Whisky Law Suit of 1854, and the marks of the struggle, time and the good sense of the people have almost entirely effaced; and the friendships which it was feared at that time were sundered forever have since been re-formed, and are stronger to-day than ever before. The quiet little village, whose limbs were cramped within the narrow limits of a village charter, worried herself to sleep, and, after taking a short nap, waked in the



grand and gorgeous uniform of a young, beautiful city, and the good people of the city of B. are contented, prosperous and happy, and are satisfied that, for a daily diet, law and order are preferable to mobs and disorder, and most of them believe that brute force is a very good medicine for rattlesnakes, but an almighty poor prescription for men.

## CHAPTER IX.

## MY LAST LAWSUIT.

I feel, gentlemen of the legal profession, as though in the interest of justice I should give you some of the particulars of a lawsuit that I had nearly thirty years ago.

One stormy day, about nine o'clock in the morning, a tall, rather bright and very pleasant man came into my office and said he wanted to employ me to attend to a lawsuit he had, which was to be tried the next day at one o'clock, before a justice who resided about twenty miles southwest of the village of B. I told him that I was hard up for money and would go and try his suit for ten dollars, to be paid in advance. He said he was poor, and the case was small, and he could not afford to pay over eight dollars; that he would give that and pay it then, and that if I had to stay all night at the house of the justice, he would also pay for my supper, lodging and breakfast. Eight dollars looked like a big pile to me; I told him I would go, and he paid me the amount and started home.

Early the next morning I hunted all round the village to find a horse and buggy to take me to my suit, but could find none, and at last, when about ready to give up finding a team, I came across a colored man who owned a mule, and he said I could have him to ride up to my suit and back, as he was suffering from a slight attack of the bilious colic and should not want to use the mule for three or four days, and that I could have him for a dollar and fifty cents, which I paid him, and he then went and got the mule and led him up to me, saying, as he handed me the halter, that he had no bridle or saddle fit to put on him, but that I could borrow one of some of the neighbors, and also told me to be careful and keep my eyes on the mule, for he was very nervous, and would kick like thunder sometimes with very little provocation. That remark made me feel very unpleasant. I soon succeeded in borrowing a bridle and saddle, and mounted the mule in good faith, *and not for the purpose of delay*, for I had no time to waste; and I never rode so far, so high, so wide, and so long, in traveling twenty miles in all my life before as I did that morning. He was a mighty

slow walker and appeared anxious to get rid of me. I do not wish to do the mule, his ancestors, or *posterity*, injustice, but when that unlettered mule would start up and go on a brisk trot for ten rods, then stop suddenly, hold his head down, jump out sideways and kick up all at once, and keep doing so, and more too, and occasionally look round to see how I was getting along, I could not help thinking that that mule was anxious to unload; but I was young and ambitious, and stuck to the mule, for he was the only means of conveyance I had at that time and place.

After a long and tedious ride, I rode up in front of the residence of the justice, and in my efforts to stop the mule, for some reason which I never could fully understand, he started on a keen run with me, and, in spite of all that I could do, ran into a barn, the stable door being open, and as he entered,—it being low,—I had no difficulty in getting scraped off behind, coming in contact as I fell with a substance entirely foreign to the plan of this work, and from which I instinctively separated myself as soon as possible, arranged my legs for traveling, and then walked

with great professional distinctness into the office of the justice. Everything seemed ready for business. The justice was a man apparently about fifty years of age, a cooper by trade, short, fat, and a little lame, possessed of good average sense, reputed honest, but knew but little about law or lawsuits. There were two attorneys opposed to me, who resided about ten miles north of the justice, and one of them was a man about fifty years of age, heavy set, possessing great muscular ability, very clever, quiet, and at times very stupid, very weak and timid in the circuit court, but when aroused, a power in justice's court, and was generally regarded as one of the most princely pettifoggers in that section of the county. His associate was a man about thirty-five years of age, small, sharp, and very adroit, and large experience for his years, very saucy to young attorneys, and a great bulldozer of Justices of the Peace.

I was for the plaintiff, and the suit was replevin, brought for a pair of bob-sleds and wagon. The defendant claimed that he held the property by virtue of a writ of attachment issued against one King for a debt he owed, and

that said King sold said property to the plaintiff for the fraudulent purpose of cheating his creditors, and that said plaintiff knew that said King intended to cheat his creditors, and bought, or pretended to buy, said property for the purpose of assisting him in his said attempt to defraud. The plaintiff said they were willing to waive a jury and try the case before the justice. I told them that suited me, and the trial commenced.

The plaintiff was then sworn, and testified in substance that the bob-sleds and wagon in controversy were his property, that they had been taken out of his possession by the defendant, and that the value of said property was \$95. I then told the attorneys for the defendant they could, if they desired, cross-examine the witness, and they said they would ask him a few questions. They asked him if "he was the owner of the property mentioned in the complaint." Answer: "I am." Question: "Of whom did you purchase the property?" Objected to for the reason that it was immaterial from whom he bought the property, and for the further reason that it was nobody's business but his own, and no part of the examination-in-chief. As soon as

I stated my objections, both of the attorneys for the defendant sprang to their feet, and one of them commenced making a speech, but the justice interrupted him, saying that his "mind was already made up," and he did "not want to hear a speech on the point." The attorney sat down, and the justice said that "the question was improper, for the reason that it was no part of the examination-in-chief, as the plaintiff had said nothing about his purchase of said property; that under the constitution of the state of Wisconsin any man of lawful age had the right to buy a pair of bob-sleds and wagon of any person who had them to sell, and that the name of the man of whom they were bought was immaterial, and that the plaintiff could not be compelled to disclose it; that it was not proper cross-examination, and could only be introduced, if at all, by the defendant when he commenced his defense."

The attorneys on the other side, in a very excited manner, said that "that decision was a most ungodly decision, that the question was a proper one, and the attorney for the plaintiff knew it." I told them that "they *lied*, and

that they knew *that* also, and that the objection was properly sustained and they knew it;" and also said that "if I were the justice I would fine them for contempt," whereupon one of them replied, "that if the justice was such a fool as to pay any attention to my objections, he would get enough of it." I then asked the justice "if he proposed to sit there and be insulted by those bulldozers and pettifoggers, when he had the power under the statutes to fine them for contempt." The justice said he did not wish to have any trouble with the gentlemen, but said if they said many more mean things to him during the trial, that as soon as the case was over he would look up the law on contempts and do what he thought was necessary to protect the dignity of his court.

The attorneys for the defendant said they had no more questions to ask, and I told the court that I rested. The attorneys for the defense then made a motion for a non-suit, alleging as a reason therefor that I had not proved any demand for the property before I brought the suit. I arose and with great solemnity and energy told the court that "the motion was



contemptible and intended as an insult to the court, and that I would not trifle with his intelligence nor tarnish my young reputation by arguing such a senseless motion." As soon as I took my seat the justice said: "Gentlemen, your motion is overruled, and I think it was made to impose upon me, and I shall not stand much more of your meanness, so go on with your defense." The oldest attorney got up and said that he would satisfy even that court that the plaintiff bought the property in dispute with a lot of other property of said King only to defraud, and really paid nothing for it, and that King really was the owner of said property. They called as a witness a man by the name of Butts, who was sworn.

Question: "Do you know the plaintiff in this suit?" Answer: "I do." Question: "Did you, prior to the commencement of this suit, have any conversation with the plaintiff about the purchase by him of a lot of personal property of one King?" Objected to, alleging as a reason therefor that the question was not only leading but immaterial, the only question in issue being the title to the bob-sleds and wagon;

whereupon the youngest attorney for the defendant arose and addressed the court as follows:

“Your Honor, we expect to show by the witness, if allowed to answer the question put to him, that the plaintiff admitted to said witness that he bought the property in dispute, with other property of said King, and also said that he knew at the time that said King was badly in debt; but *that* was none of his business.”

I replied as follows: “Your Honor, this is a case not sounding in contract, but in tort, and it makes no difference what property he bought of King, unless he can show a separate and distinct sale of the property in dispute. Your Honor, the only question in this case is the title to the bob-sleds and the wagon, and you can not, you will not, mix up the title to the bob-sleds and the wagon. Your Honor, nothing is clearer that in justice courts, in actions of replevin, you must keep out all testimony from the case which affects the title to property other than the property in dispute, for the obvious reason that by letting in testimony relating to property *not* in dispute, you may impair the

title to property not in dispute, which might tend to affect the property in question, which would look like passing upon the title to property without giving the different claimants to the property a chance to be heard; in other words, deprive them of their day in court."

The oldest attorney then addressed the court as follows: "Your Honor, the question is a proper one, and I know it, and you ought to know it. Talk to me about a distinct sale of this property—that is poor nonsense. This contract we will show Your Honor was an entirety, not a distinct sale of each article by itself, but one sale for an entire consideration of all the property, and was a fraudulent sale; and if it was, the fraud tainted all the property sold, and avoids the entire sale."

I then closed the argument as follows: "Your Honor, the attorney for the defendant, I mean the last one who addressed you, said that the question was proper, and you knew it. The statement was a bold and malicious falsehood, and he knew it. Your Honor, you have more patience than I have. He says that the contract is an entirety. Where did he get hold

of that word? Is there any such thing as an entirety in justice court? All lawyers know better. Do the statutes — and you know, judicially speaking, you are a creature of the statutes — say anything about a contract of entirety? In actions of replevin, everybody who knows anything about law says no. A sale of one article would be one entirety, and what of it? Your Honor, there is no doubt that the objection is well founded, and you know I would not deceive you, for if they cannot prove a distinct sale of the property in dispute, that is their misfortune and not our fault.”

The court then addressed us all as follows: “Gentlemen, I shall have to sustain the objection, for the reason that the only question involved in this case is the title to the bob-sleds and the wagon, and not the title to other property, and that being the case, I have no right to let in testimony with reference to a sale of other property. Gentlemen, you have no right, I repeat it, to mix up the title to the bob-sleds and the wagon with other property, because it makes no difference about fraud in the sale of property not in dispute, which shows that the ques-

tion is immaterial, and if such testimony would show fraud, should that impair the title to the property in that event? The question would be incompetent and unjust, and all this talk about entirety has nothing to do with a case like this, in my opinion; and it is not the fault of the court that the defendant has no defense to this action; and I shall have to sustain the objection."

The youngest attorney for the defendant then arose and addressed the court as follows: "Your Honor, what in thunder do you mean by making such an idiotic decision? Don't you know anything about law? You old, demented numskull! Are you retained by the plaintiff? What do you charge the plaintiff in this case for the judgment you have promised to render him? Tell me, and perhaps I will overbid him a little! What is your object in letting that sputtering, bawling, dough-headed Thunderbolt make such an ass of you? Why not be decent? What will the neighbors think of you when they shall have heard of the brainless decision you have just rendered? What will you say to your wife when she shall have learned that the

man she married has disgraced himself, and humiliated his family, by rendering such an infernal decision? Your Honor, I would advise you as a friend to burn your docket, return the statutes to the man of whom you borrowed them, resign your office as justice of the peace, and resume your trade as a cooper, and try and make barrels which will hold water, for God knows none of your decisions will.”

I then arose as a friend of the court and made substantially the following remarks: “Your Honor, I am sorry you have listened so long and so patiently to the diabolical speech which has just been made by that accomplished wretch, and villainous prevaricator, who has just taken his seat. Your Honor, your parents are both dead, I believe? (The justice, in a feeble voice, and evidently much affected, said ‘yes, sir, they died about twenty years ago.’) Your Honor, that gentlemen told me at his office, a few days since, that you were an old squash-head, and that he could make you render just such a judgment as he wanted, and that you dare not decide a case against him; and his associate the same day told me in the streets

of the village where he resides, that you were a first-class but very pleasant fool, and that your election was a judicial outrage. Your Honor, show these gentlemen that you understand the law and the evidence, and appreciate their abuse, and teach them both in this lawsuit that you are not to be trifled with. Your Honor, it would do no good to fine them for contempt of court, for one of them is poor and *contempt-proof*, and the other one has put his property out of his hands for the express purpose of getting rid of paying for contempts. Your Honor, these gentlemen are coarse, low-bred and abusive, have no influence at home or abroad, but are objects of disgust wherever known, more to be dreaded than pitied. Your Honor, that is all I have to say in this case."

The justice then arose and thanked me kindly, and then turning to the attorneys for the defense, asked them if they "had any more testimony." The oldest one said that he did not "propose to waste his precious time for the purpose of introducing testimony for the consideration of a justice who was in the employ of the plaintiff." The justice replied, "Gentlemen, take your

own course," and then asked me if I had any more evidence. I answered, "None whatever;" and then he asked the attorneys for the defense if they wished to argue the case, and one of them said, "Not to a Hottentot court."

The justice then in a loud, judicial voice said: "Gentlemen, this case is decided in favor of the plaintiff, and against the defendant; and the value of the property is assessed at ninety-five dollars; and the damage which the plaintiff has sustained by the unjust detention thereof I find to be six cents; and all the abuse I have received from the defendant's attorneys I shall retain in my memory until I get such satisfaction as the constitution of our common country guaranties to all her adopted citizens."

And thus the trial ended. I hunted up my mule, placed myself upon his wayward back with great agility, bade the justice a hearty good night, and started the mule homeward. I left the attorneys for the defendant in the front yard of the justice, cursing him with great professional ferocity, which he seemed to endure well, and he gave them occasionally a volley of oaths which would have done credit to an old-fashioned circuit judge.



## CHAPTER X.

## AGREEABLE SUGGESTIONS.

Now, my dear and gentle readers, under the head of agreeable suggestions, listen patiently while I give them unto you; and the thought that I now have that blessed opportunity, thrills my young heart with exceeding great joy.

First, I say unto you with a little sorrow and less anger, that any man being of sound mind and disposing memory, who may hereafter read this little book as an anxious inquirer after practical truth, and then with his eyes open, opens his mouth and says one word against the book, or derogatory to the character of its author, will merit, and I trust promptly receive, the scoffs, jeers and hisses of all decent people; and should he manifest his spite in loud talk in the presence of ladies and gentlemen returning from Sabbath school, he will expose himself to great personal violence.

Second, should any man take this little book into his little closet, and there in the solemn darkness reflect upon its glorious suggestions for

the space of fifteen minutes, and then leave the closet, the holder of the book "in good faith and for value," and immediately thereafter, of his own free will and accord, make up his mind, should he have any to make up, that he does not like this book, and would like to return it, such person shall have the privilege of sending said book to its author, who will promptly, upon its receipt, remit to such person the dollar he may have paid for the same, or its equivalent in clean cut, first-class personal abuse; and should the amount remitted be in excess of his capacity to appropriate, he is hereby and hereafter authorized to dispose of such excess to his hungry neighbors, in such amounts as his shattered judgment may suggest, or their real wants require.

Third, I wish to state at this time and under this head, that this book was written in the interest and for the exclusive benefit of men of brains, and not for the amusement of *mullets*, the *Australian children*, or the Hottentots, or even the *Winnebago Indians*, none of whom can derive any comfort or consolation from even a thorough examination of its contents. Now,

my dear readers, remember that life is short, but if properly understood and appreciated, it can be made a grand and pleasant reality. The journey from the cradle to the grave is rapid, but brief; then let us render it sweet and blissful.

In conclusion let me say: Man, be true to your creator, for that will be the safest if not the pleasantest; be true to your country, for loyalty and your best interests demand it; be true to society, for you will profit thereby; be true and kind to your wife and little ones, for you will seek in vain for substantial happiness if you neglect them; be true to yourself, for that will bring you peace and contentment; assist the poor and you will never regret it, for poverty distresseth and maketh life a burden; be charitable to all, for charity covereth a multitude of sins; be generous, ever bearing in mind that misers, in spite of all that we can do, annoy good people on earth who will get beyond their reach when they shall have entered the "golden streets of the New Jerusalem;" be industrious if you desire prosperity, for laziness induces stupidity and premature mental and physical decay; do not swear, for profanity

is impolite, intensifies the disgust which always illuminates a drunken brawl, and affords very appropriate amusement for the low, coarse and vulgar; be good natured, for a cross man, if industrious, can annoy and disgust all of his neighbors; be clean and neat, for filth offendeth, disgusteth and sometimes sickeneth; keep out of debt, out of the state prison, out of politics, and the insane asylum; keep away from prize-fights, bull-fights and dog-fights, and in a word, lead such a life that when you shall lay down the knap-sack of life, fold your arms and await the approach of the angel of death, that in that trying hour you can look on a life pure, beautiful and serene, without a spot or a blemish — this is the sincere and ardent wish of the author.

Now, my dear readers, if you use me kindly, and I trust you will, perhaps in the “sweet by and by” I may come again. Adieu and farewell.

NELS WHEELER.













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