

THE TALESMAN

THOMAS CHANDLER HALIBURTON*

It was our intention to have left Annapolis this morning after breakfast, and proceeded to Digby, a small but beautiful village, situated at the entrance of that magnificent sheet of water, once known as Port Royal Bason, but lately by the more euphonious appellation of the "Gut". But Mr. Slick was missing, nor could any trace of him be found; I therefore ordered the horse again to the stable, and awaited his return with all due patience. It was five o'clock in the afternoon before he made his appearance. Sorry to keep you awaitin', said he, but I got completely let in for it this mornin'; I put my foot in it, you may depend. I've got a grand story to tell you, and one that will make you larf too, I know. Where do you think I've been of all places under the sun? Why, I've been to court; that's a fact. I seed a great crowd of folks about the door, and thinks I, who's dead, and what's to pay now? I think I'll just step in for a minit and see.

What's on the carpet to-day? says I to a blue nose; what's goin' on here? Why, said he, they are agoin' for to try a Yankee. What for? said I. Steelin', says he. A Yankee, says I to myself; well, that's strange too; that beats me anyhow; I never heerd tell of a Yankee bein' such a born fool as to steal. If the feller has been such a ravin' destracted goney, I hope they will hang him, the varmint; that's a fact. It's mostly them thick-skulled, wrong-headed, cussed stupid fools the British that do that are; they ain't brought up well, and hav'n't got no edication; but our folks know better; they've been better larned than to do the like o' that — they can get most anything they want by gettin' hold on the right eend in a bargain; they do manage beautiful in a trade, a slight o' hand, a loan, a failin', a speckelation, swap, thimble-rig, or some how or another in the regular way within the law; but as for steelin' — never — I don't believe he's a Yankee. No, thinks I, he can't be American, bred and born, for we are too enlightened for that, by a long chalk. We have a great respect for the laws, squire; we've been bred to that, and always uphold the dignity of the law. I recollect once that some of our young citizens

* Thomas Chandler Haliburton, the creator of Sam Slick, was born in Windsor, Nova Scotia, on December 17th, 1796. The tale reprinted here is taken from the first English edition of "The Clockmaker; or the Sayings and Doings of Samuel Slick of Slickville" (Second Series), published in London by Richard Bentley in 1838. At this time Haliburton was First Justice of the Inferior Court of Common Pleas and President or First Justice of the Court of Sessions for the Middle Division of his native Province. In 1841 he was appointed a judge of the Supreme Court of Nova Scotia. Some years later, he retired and took up residence in England, where he was elected to the House of Commons and where he died on August 27th, 1865. *Editor.*

away above Montgomery got into a flare-up with a party of boatmen that lives on the Mississippi; a desperate row it was, too, and three of the Kentuckians were killed as dead as herrins'. Well, they were had up for it afore Judge Cotton. He was one of our revolutionary heroes, a starn, hard-featured old man, quite a Cato, — and he did curry 'em down with a heavy hand, you may depend; — he had no marcy on 'em. There he sot with his hat on, a cigar in his mouth, his arms folded, and his feet over the rail, lookin' as sour as an onripe lemon. Bring up them culprits, said he, and when they were brought up he told 'em it was scandalous, and only fit for English and ignorant foreigners that sit on the outer porch of darkness, and not high-minded, intelligent Americans. You are a disgrace, said he, to our great nation, and I hope I shall never hear the like of it ag'in. If I do, I'll put you on your trial as sure as you are born; I hope I may be skinned alive by wild cats, if I don't. Well, they didn't like this kind o' talk at all, so that night away they goes to the judge's house, to teach him a thing or two, with a cowskin, and kicked up a deuce of a row; and what do you think the neighbours did? Why, they gist walked in, seized the ring-leaders and lynched them in less than ten minits, on one of the liden trees afore the judge's door.

They said *the law must be vindicated*, — and that courts must be upheld by all quiet, orderly people, for a terror to evil-doers. The law must take its course. No, thinks I, he can't be a Yankee; — if he was, and had awanted the article, he would ha' done him out of it, p'r'aps in a trade, bein' too experienced a man of business for him; but steal it, never, never — I don't believe it, I vow. Well, I walked into the court-house, and there was a great crowd of folks there, a jabberin' and a talkin' away like anything (for blue-nose needn't turn his back on any one for talkin' — the critter is all tongue, like an old horse), — presently in come one or two young lawyers, in a dreadful hurry, with great piles of books under their arms with white leather covers, and great bundles of papers tied with read tape, and put 'em down on the table afore 'em, lookin' very big with the quantity of larnin' they carried; thinks I, young shavers, if you had more of that in your heads, and less under your arms, you would have the use of your hands to play with your thumbs, when you had nothin' to do. Then came in one or two old lawyers, and sot down and nodded here and there, to some o' the upper-crust folks o' the county, and then shook hands amazin' hearty with the young lawyers, and the young lawyers larfed, and the old ones larfed, and they all nodded their heads together like a flock of geese agoin' thro' a gate.

Presently the sheriff calls out at the tip eend of his voice, "Clear the way for the judge"; — and the judge walks up to the bench, lookin' down to his feet to see he didn't tread on other folk's toes, and put his arm behind his back, and twirls the tail of his gown over it so, that other folks mightn't tread on hisn. Well, when he gets to the bench, he stands up as straight as a liberty pole, and the lawyers all stand up straight too, and clap their eyes on his till he winks, then both on'em slowly bend their bodies forward till they nearly touch the tables with their noses, and then they sot down, and the judge took a look all round, as if he saw everything in ginerall and nothin' in partikilar, — I never seed anything so queer afore, I vow. It puts me in mind o' the Chinese, but they bob their foreheads clean away down to the very floor.

Well, then, said the crier, "Oh yes! Oh yes! His Majesty's (I mean her Majesty's) court is now opened. God save the King (I mean the Queen.)" Oh! if folks didn't larf it's a pity, — for I've often obsarved it takes but a very small joke to make a crowd larf. They'll larf at nothin' amost. Silence, said the sheriff, and all was as still as moonlight. It looked strange to me, you may depend, for the lawyers looked like so many ministers all dressed in black gowns and white bands on, only they acted more like players than preachers, a plaguy sight. But, said I, is this not the case in your country; is there not some sort of professional garb worn by the bar of the United States, and do not the barristers and the court exchange those salutations which the common courtesies of life not only sanction but imperatively require as essential to the preservation of mutual respect and general good breeding. What on airth, said the Clockmaker, can a black gound have to do with intelligence? Them sort of liveries may do in Europe, but they don't convene to our free and enlightened citizens. It's too foreign for us, too unphilosophical, too feudal, and a remnant o' the dark ages. No, sir; our lawyers do as they like. Some on'em dress in black, and some in white; some carry walking-sticks, and some umbrallas, some whittle sticks with penknives, and some shave the table, and some put their legs under the desks, and some put 'em a top of them, just as it suits them. They sit as they please, dress as they please, and talk as they please; we are a free people. I guess if a judge in our country was to order the lawyers to appear all dressed in black, they'd soon ask him who elected him director-general of fashions, and where he found such arbitrary power in the constitution, as that, committed to any man.

But I was agoin' to tell you 'bout the trial. — Presently one o' the old lawyers got up, and said he, My lord, said he, I *move*, your lordship, that the prisoner may be brought up. And if it warn't a *move* it was a pity. The lawyer *moved* the judge, and the judge *moved* the sheriff, and the sheriff *moved* the crowd, for they all *moved* out together, leavin' hardly any one on them, but the judge and the lawyers; and in a few minits they all *moved* back ag'in with a prisoner. They seemed as if they had never seen a prisoner before. When they came to call the jury they didn't all answer; so says the sheriff to me, walk in the box, sir, — you, sir, with the blue coat. Do you indicate me, sir? said I. Yes, says he, I do: walk in the box. I give you thanks, sir, say I, but I'd rather stand where I be; I've no occasion to sit; and besides, I guess, I must be a movin'. Walk in the box, sir, said he, and he roared like thunder. And, says the judge, alookin' up, and smilin' and speakin' as soft as if butter wouldn't melt in his mouth, you *must* walk in the box, sir. Well, says I, to oblige you, says I, my lord, I will; but there don't seem much room in it *to* walk, I vow. You are called upon, sir, says the judge, as a talesman; take your seat in the box, and be silent. If I must, says I, I do suppose I must; but I don't like the office, and I don't believe I've got a marker about me; but if you've are a piece of chalk about you, you could give me, or lend me an old pencil, I'll try to cypher it as wel as I can, and do my possibles to give you satisfaction, my lord. What are you atalkin' about, sir? said he; — what do you mean by such nonsense? Why, says I, my lord, I've been told that in this country, and indeed I know it is the *practice* almost all over ourn for the jury to *chalk*, that is, every man chalks down on the wall his vote; one man ten pounds, one twenty, another thirty, and another five pounds, and so; and then they add them all up, and divide by twelve, and that makes the vardict. Now if I'm to be *talysman*, says I, and keep *count*, I'll chalk it as straight as a book-jack. The judge threwed himself back in his chair, and turning to the sheriff, says he, is it possible, Mr. Sheriff, that such an abominable practice as this exists in this country? or that people, under the solemn obligation of an oath, can conduct themselves with so much levity as to make their verdict depend upon chance, and not upon reason? If I was to know an instance of the kind, said he, — and he looked battle, murder, and sudden death, — I'd both fine and imprison the jury; — I would, by — (and he gave the corner of his mouth a twist just in time to keep in an oath that was on the tip of his tongue,) and he hesitated a little to think how to get out of the scrape, — at least I concaited so, — by and with the full consent of my brethern on the bench.

I have my suspicions, said the Clockmaker, that the judge had heerd tell of that practice afore, and was only waitin' for a complaint to take notice of it regular-like, for them old judges are as cunnin' as foxes; and if he had, I must say he did do the surprise very well, for he looked all struck up of a heap, like a vessel taken aback with a squall, agoin' down starn foremost.

Who is that man? said he. I am a clockmaker, sir, said I. I didn't ask you what you were, sir, says he, acolorin' up; I asked you who you were. I'm Mr. Samuel Slick of Slickville, sir, says I; a clockmaker from Onion County, State of Connecticut, in the United States of America. Your are exampt, said he, — you may walk *out of the box*. Thinks I to myself, old chap, next time you want a talesman, take one of your own folks, will you? Well, when I looked up to the prisoner, sure enough I seed he was one of our citizens, one "Expected Thorne", of our town, an endless villain, that had been two or three times in the State's prison. The case was a very plain one. Captain Billy Slocum produced a watch, which he said was hisn; he said he went out arter dinner, leavin' his watch ahingin' up over the mantel piece, and when he returned to tea it was gone, and that it was found in Expected Thorne's possession. Long before the evidence was gone through, I seed he was guilty, the villain. There is a sort of freemasonry in hippocracy, squire, you may depend. It has its signs and looks by which the brotherhood know each other; and as charity hopeth all things, and forgiveth all things, these appeals of the elect to each other from the lowest depths of woe, whether conveyed by the eye, the garb, or the tongue, are seldom made in vain.

Expected had seed too much of the world, I estimate, not to know that. If he hadn't his go-to-meetin' dress and looks on this day to do the jury, it's a pity. He had his hairs combed down as straight as a horse's main; a little thin white cravat, nicely plaited and tied plain, garnished his neck, as a white towel does a dish of calve's head, — a standin' up collar to his coat gave it the true cut, and the gilt buttons covered with cloth eschewed the gaudy ornaments of sinful, carnal man. He looked as demure as a harlot at a christenin', — drew down the corners of his mouth, so as to contract the trumpet of his nose, and give the right base twang to the voice, and turned up the whites of his eyes, as if they had been in the habit of lookin' in upon the inner man for self-examination and reproach. Oh, he looked like a martyr; gist like a man who would suffer death for conscience sake, and forgive his enemies with his dyin' breath.

Gentlemen of the jury, says Expected, I am a stranger and a sojourner in this land, but I have many friends and received

much kindness, thanks be to divine Providence for all his goodness to me a sinner; and I don't make no doubt that tho' I be a stranger, his lordship's honor will, under Providence, see justice done to me. The last time I was to Captain Billy's house I seed his watch, and that it was out of order, and I offered to clean it and repair it for him for nothin', free gratis *that I can't prove*. But I'll tell you what *I can prove*, and it's a privilege for which I desire to render thanks; that when that gentleman, the constable, came to me, and said he came about the watch, I said to him, right out at once, "She's cleaned, says I, but wants regulatin'; if Captain Billy is in a hurry for her he can have her, but he had better leave her two or three days to get the right beat". And never did I deny havin' it as a guilty man would have done. And, my lord, said he, and gentlemen of the jury (and he turned up his ugly cantin' mug full round to the box) — I trust I know too well the awful account I must one day give of the deeds done in the flesh to peril my immortal soul for vain, idle, sinful toys; and he held up his hands together, and looked upwards till his eyes turned in like them are ones in a marble statue, and his lips kept amovin' some time as if he was lost in inward prayer.

Well, the constable proved it word for word, and the judge said it *did* appear that there was some mistake; at all events it *did not* appear there was evidence of a felonious takin', and he was acquitted. As soon as it was over, Expected comes to me in the corner, and, says he, quite bold like, Mornin', Slick, how do you do? And then whisperin' in my ear, says he, Didn't I do 'em pretty? cuss 'em, — that's all. Let old Connecticut alone yet — she's too much for any on 'em, I know. The truth is, the moment I seed that cussed critter, that constable acomin', I seed his arrand with half an eye, and had that are story ready-tongued and grooved for him, as quick as wink. Says I, I wish they had ahanged you, with all my heart; it's such critters as you that lower the national character of our free and enlightened citizens, and degrade it in the eyes of foreigners. The eyes of foreigners be d — d! said he. Who cares what they think? — and as for these bluenoses, they ain't able to think. They ain't got two ideas to bless themselves with, — the stupid, punkin-headed, concaited blockheads! — cuss me if they have. Well, says I, they ain't such an enlightened people as we are, that's sartain, but that don't justify you a bit; you hadn't ought to have stolen that watch. That was wrong, very wrong indeed. You might have traded with him, and got it for half nothin'; or bought it and failed, as some of our importin' marchants sew up the soft-horned British; or swapped it and forgot to give the exchange;

or bought it and give your note, and cut stick afore the note became due. There's a thousand ways of doin' it honestly and legally, without resortin', as foreigners do, to stealin'. We are a moral people, — a religious, a high-minded, and a high-spirited people; and can do any, and all the nations of the univarsal world out of anything, in the hundred of millions of clever shifts there are in trade; but as for stealin', I despise it; it's a low, blackguard, dirty, mean action; and I must say you're a disgrace to our great nation. *An American Citizen never steals, he only gains the advantage!*

LAW AND ORDER

The Americans are fond of law in one respect, that is, they are fond of going to law. It is excitement to them, and not so expensive as in this country. It is a pleasure which they can afford and for which they cheerfully pay.

But, on the other hand, the very first object of the Americans, after a law has been passed, is to find out how they can evade it: this exercises their ingenuity, and it is very amusing to observe how cleverly they sometimes manage it. Every State enactment to uphold the morals, or for the better regulation of society, is immediately opposed by the sovereign people.

An act was passed to prohibit the playing at nine pins, (a very foolish act, as the Americans have so few amusements): as soon as the law was put in force, it was notified every where, 'Ten pins played here', and they have been played every where, ever since.

Another act was passed to put down billiard tables, and in this instance every precaution was taken by an accurate description of the billiard table, that the law might be enforced. Whereupon an extra pocket was added to the billiard table, and thus the law was evaded. (Capt. C. B. Marryat: *A Diary in America with Remarks on its Institutions* (1839)).