

*A Dinner-Party*  
*Was it a Success?*  
by John Eddy

“The work of feeding, you must understand,  
Was but a fraction of the work in hand.”

IN the year of grace 1855 there resided at the fashionable end of one of the largest of our Eastern cities, a person who will be called for the purpose of this article Bernon Burchard. He is not a myth, but a veritable person. For fifteen years he had been a practising lawyer, and had risen to eminence in his profession. His personal appearance was fine and prepossessing. His mind was clear, vigorous, and well stored with varied learning. His sense of honor was pure and discriminating, like the president of the Jewish Sanhedrim in the days of Caius Cæsar, he “was had in reputation of all the people.” He was blessed with a capacious soul, and seemed naturally inclined to acts of benevolence and generosity. In society he held the foremost rank, and was fitted by birthright, education, and taste for the highest social position. His noble nature, his wit and learning and generous flow of spirits, united to complete a most pleasing and model gentleman.

At this time upon the old estate in Lancashire, England, from which the first of the Burchards in this country emigrated in 1630, there resided Winfield Burchard, who dispensed generous hospitality to all the American kindred who made pilgrimage to fatherland. Mr. Bernon Burchard in particular, of all the name, had special occasion for holding the said Winfield in lasting remembrance and esteem for the many and great favors bestowed upon him and his immediate family during a series of years, — favors which were rendered doubly pleasing because it was nearly certain from the age and infirmities of the host that the branch of the family on this side of the Atlantic would never have the opportunity of reciprocating the favors in kind.

At a certain period in the year first mentioned, when Bernon Burchard’s enthusiasm was all aglow for his English namesake, there called upon him the Rev. Mr. Malcolm of Oxford, with a letter of introduction from Winfield, wherein he commended his nephew to the attention of Mr. Bernon for his many virtues and acquirements.

He was cordially received, and Mr. Bernon Burchard at once determined to show his new cousin every mark of consideration and attention, as some slight token of the regard in which he held the writer of the letter.

In personal appearance the Rev. Mr. Malcolm was of average height, of a lymphatic temperament, and of modest and retiring manners. His brown hair shaded bright hazel eyes, which under embarrassment or surprise flew about with remarkable rapidity, and occasionally gave his countenance a wildness of expression. He showed at least a smattering of a variety of knowledge; he had evidently enjoyed the acquaintance of many of the conspicuous men in Europe, and had the air of a man who had seen much of the world.

Among other efforts for the entertainment of the Rev. Mr. Malcolm, and the only one pertinent to the object of this article, was a grand dinner-party which surpassed all others that had ever

been given in the city, both for the elegance and sumptuousness of the feast and the wit and learning displayed by the distinguished guests, as well as in another particular which it is our purpose to unfold.

There were present, besides the Rev. Mr. Malcolm, a learned Doctor of Divinity, famous for his proficiency in the Hebrew language and in Rabbinical lore, and who was at times greatly embarrassed because of his inability to hold what he deemed a proper restraint over his risibles. There was also a professor of Greek literature, who delighted in the tragedies, especially of Euripides and Sophocles, but who had, nevertheless, a keen relish for the humorous. He was accustomed among scholars to quote certain old Latin and Greek authors who were seldom read, and it was a frequent remark among the learned, with a sly wink of the eye, that our professor had access to some books which other less favored literati had never seen. There was present a brace of literary gentlemen of ready memories and wits, who contributed largely to the enjoyment of the occasion, besides several lawyers of distinction, who as a class are always to be relied upon when festivity offers them a retainer; a Senator, who was grave and dignified; a Right Reverend, who was quite the contrary; a physiognomist and expert in handwriting, who was the gravest of all, and naturally so as he was intent on taking rather than making observations; and several others, who, to say the least, were good listeners.

In Vespasian's time entertainments were first given *præcise*, and Mr. Burchard's guests arrived at almost the same moment. As the physiognomist paid his respects to the host the Rev. Mr. Malcolm stood upon his right, and at the same moment the man who had the ordering of the feast, formerly called the butler, stood upon his left offering him a rolled up napkin, which was the mode of announcing the readiness of repast in the days of the Cæsars. This man with a napkin under his arm led the way to the dining-room, and Mr. Burchard brought up the rear, also an invariable rule for an "amphitriion" in the times of the gourmands.

While the *convives* were passing through the hall, Mr. Sidney, the physiognomist and expert, seemed disinclined to proceed. Mr. Burchard, supposing him to feel somewhat overawed in the presence of so wise a conclave, hurried him along, while Mr. Sidney whispered in his ear, "With all respect, sir, you are more blind than Bartimeus."

Mr. Sidney has been heretofore described in the pages of the Atlantic Monthly\* in these words, "His counterpart in personal appearance you may find in the thoroughfares at any hour of the day. There is nothing about him to attract attention. He is nearly forty-five years of age, and weighs perhaps two hundred pounds. His face is florid and his hair sandy. His eyes are small, piercing, and gray. His motions are slow, and none are made without a purpose. The wrinkles in his lips are at right angles with his mouth, and a close observer might detect in his countenance self-reliance, and tenacity of will and purpose."

One of the most important personages present, and one who contributed largely to the success or non-success of the feast, was Mr. Burchard's majordomo Maguire, the same who handed the napkin to Mr. Burchard when Mr. Sidney entered the drawing-room. For eight years he had resided in the family, and had endeared himself to the whole household by the kindness of his

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heart, his devotion to the interests of his employer, and by his perfection of knowledge in every art which relates to an entertainment and the customs which prevail in refined society. He was small in stature, of dark complexion, smooth face, subdued expression of countenance, very quiet in his manners, and aged about forty-five.

The Rev. Mr. Malcolm, most tastefully attired, was seated on the right of the host, and said grace in the most approved English formula and with distinct enunciation. The Doctor of Divinity sat on the left. Beside his plate was a bill of fare beautifully executed in Hebrew (much to the surprise of the host and to the credit of Maguire). The doctor's attempt at translating the same into English afforded not a little amusement, he being not particularly successful in the effort. Indeed, he was so perplexed thereby when pressed by the Professor of Greek, that he could not conceal his annoyance, and the whole company were equally excited lest the professor should press the Rabbin so far as to mar the harmony of the occasion. It was beginning to be painfully embarrassing when the doctor discovered beside the professor's plate a similar bill of fare equally well executed in Greek, and the doctor begged leave to inquire of him, "What is the difference between *artos* (bread) and *azumos* (biscuit), and in what respect do the *tyroutes* and *dolyres* and *typhes* and *placites* and *melitutes* differ?"

The professor at once became so confused as to put the whole company and the Rabbin in particular in the best of humor and indeed in almost uncontrollable laughter.

"And what, if you please," further inquired the great Hebrew, "were those highly flavored *artolaganos* and the *escarites* which the Epicureans are said to have relished so highly that they could devour them even after the operation had become distressing?"

The professor's pale face had changed to the color of a lobster's back, and those who had been so painfully perplexed by the discomfiture of the doctor were now carried to the other extreme by beholding him tear the weapon from his own flesh and hurl it with such effect against the attacking party. Again the excitement was becoming too exquisite for enjoyment. Nothing could have been more graceful than the turn that was given to the conversation by the Rev. Mr. Malcolm in sliding it off into a description of the Athenian matrons and maidens vying with each other in the markets in the sale of their seventy-two different kinds of bread and the conventional phrases which they were accustomed to use. As Mr. Malcolm repeated the calls with graceful and descriptive action, and the professor, who had recovered his equanimity, interpreted readily, the whole company could see in their mind's eye the girls and the matrons in the market of Athens who more than seventeen hundred years ago had called aloud their "*melitutes* sweetened with the delicious honey of Mount Hymettus and *tyrontes* made of flour baked with cheese." If there was any lack of dignity in the reverend gentleman in his vivacious description, or in the change of his voice to distinguish the girl from the woman, it was credited to his sagacity and readiness to turn a bold corner in order to efface the fear and apprehension that had preceded. It also gave our professor an opportunity to translate what a few moments before he had been too much confused to do.

Then came a glowing description of the venders of bread in ancient Rome and of the manners of the *Ædiles* in their daily round among the bakers and bread-stands. Here again Mr. Malcolm was

exceedingly happy in his imitations both of the manners of the Ædiles and their remarks as they passed along, giving a *tableau vivant* that was quite unique and very descriptive and enjoyable.

The Right Reverend who was present made a historical reference to King Numa, and in the same connection declared that bread-making was as old as the human race. Malcolm smiled, and looked about so queerly that one of our literary friends offered him a penny. He was evidently confused, and seemed in doubt when another offered to make it twopence.

“I have always supposed,” said Malcolm very modestly, “that the Romans for five centuries were multiphagists, and that Megalarte and Megalomanze were the first bread-makers,” and then, not a little to the gratification of the professor, he quoted from an author whom the professor had before then enjoyed alone, and whom some of the company had thought to have been fictitious. He added that in Numa’s time no bread had been made, and he quoted again from some unheard-of philosopher who declared that “invalids would become numerous in Rome should they cease to be multiphagists and become eaters of bread.”

The countenance of the Right Reverend fell somewhat, and Malcolm and the professor drew closer together, and for a while took the lead of the conversation and in the entertainment of the company. The professor seemed enraptured at finding so proficient a Latin and Greek scholar, and one so familiar with the characters he had hitherto monopolized. Archilus, Acestor, Stephanus, and Phisistion were superb. Mithaceus on Hotch-potch, Agis on Pickled Broom-buds, Hegesippus on Black-pudding, Crito on Soused Mackerel, were joyously hit off in turn, after which Malcolm began a description of the luxury of living in Trajan’s reign.

The greatest of all cooks, Apicius, was introduced as the author of several of the dishes which had so graced the pending feast. Then followed the brilliant kitcheners of Rome when foreign luxury was introduced into the empire from Asia, and as the procession passed along in grand review some of the *bon mots* of each were repeated, followed by the hearty laugh of the guests. Of these Pantaleon, Epiricus, Epenetus, Zophon, Chius, and Tyndaricus whom Pliny styled “the gulf of all youth,” received the most attention.

Paulus Æmilius, whose three days’ triumph in Rome was graced by the captive monarch of Macedonia, came in for his share of honor for his declaration that “there is equal skill in bringing an army into the field and the setting forth of a feast, inasmuch as one is to annoy your enemy and the other to please your friend.”

Many instances of the great men of antiquity being engaged in cooking were recited: the cook of Charlemagne was the leader of his armies, — the geographer and governor of Syria, under Seleucus and Antiochus, peeled onions, — the heroic Ulysses roasted a sirloin of beef, — the god-like Achilles washed cabbages, — Cincinnatus boiled the turnips upon which he dined, — the great Condé fried pancakes, — Curius Dentatus, who twice enjoyed the honors of a triumph, was found cooking peas in an earthen pot.

Then followed a description of the luxury brought to Rome after the conquest of Asia, with talk of the edicts of Archian, Faunian, Didian, and others for its suppression, — the expense of a single meal being limited by imperial mandate to *centenos asses*, — of the resistance offered to

these decrees by Durenium and others, and of bills of fare (first introduced by Vitellius). Most of the company had heard enough of this kind conversation, and had turned their attention to the professor, who seemed transported with delight, especially when Malcolm quoted from Diocles on sweet-breads, Hicesius on potted pigeons, and Dionysius on sugar sops.

From that day to the present time the professor has not ceased to inquire with profound admiration for that accomplished gentleman and ripe scholar and antiquarian, confidently expecting that he is yet to honor some of the great universities of the Old World, or that he is to be raised to some exalted position in the Church of England.

It would be very agreeable to the writer to be allowed to communicate some of the hits and repartees which were tossed about the table, and which are omitted because unnecessary to the question in hand. There was, however, one other subject discussed which awakened a lively interest and is appropriate to the sequence.

Mr. Malcolm started the inquiry whether it was consistent with the highest virtue and religion for a lawyer to accept retainer and to act as counsel for a man accused of crime when he knew or had reasonable cause to believe his client guilty of the offence charged. The lawyers, one and all, responded in the affirmative. Mr. Malcolm, as if in doubt, contended himself with inquiries. The Right Reverend and the Rabbin were decidedly opposed to the opinion of the bar. The subject was well discussed, and the lawyers carried all before them. All had given up the contest except the doctor when Mr. Burchard inquired of him if he believed in capital punishment, and, receiving an affirmative nod, he proceeded: "You are aware that our laws require of every practitioner before he becomes a member of the legal profession that he shall take an oath that he will be faithful to his client?"

"Yes."

"And that our statutes provide that the court shall assign counsel to a criminal when he had not made that provision for himself?"

"Yes."

"And that the state at its own expense compels the attendance of the witnesses for the accused; and you approve these laws?"

"Yes."

"And once more, would you prefer that the court should hang a man accused of murder under a plea of guilty, or that the extreme penalty of the law should be enforced after a full hearing, and proof to the satisfaction of the jury beyond a reasonable doubt?"

After a moment's reflection the doctor replied that he should prefer that the death penalty should only be carried into effect *only* after a verdict of guilty and upon the fullest investigation, for, said he, "it may be that the accused has a very imperfect knowledge as to what constitutes the offence charged; or he may be mistaken as to his duties and obligations; or, indeed, he may be

laboring under a morbid condition of mind, so as to desire that his life may be legally taken, and I think I have known at least one such.”

“Then,” said Mr. Burchard, “have you not admitted so much as to make untenable your position, namely, that you approve the law which requires an attorney to be faithful to his client, the law which assigns counsel to the accused, the law which compels the attendance of the witnesses for the criminal at the expense of the state, and provides that the accused shall be executed *only* after the fullest investigation? What is the object of these enactments? Undoubtedly the interest of the state and not primarily of the criminal. The state in its wisdom requires for its own safety, and lest it should commit the crime and the blunder of hanging an innocent man, that the whole truth should be known. How greatly would the government and jurisprudence suffer if a guiltless man should be executed? When, therefore, a lawyer assumes the defence of a known murderer he is complying with the commands of the statutes and is serving the best interests of the government when he compels the prosecuting officer to the proof of the offense; and not only so, he is serving justice itself and not the criminal only. Even the judges have no authority to punish, except these provisions of law are complied with and the offence be proved. Who has not heard of the indictment of the two Bournes in Vermont, and of their having pleaded guilty to the crime of murder, for which they were on the eve of being executed, when the supposed murdered man put in his appearance? How much better would justice have appeared had the defence been conducted by a tenacious, faithful, and conscientious lawyer instead of being conducted in such a bungling manner that the bones of a horse did duty for the bones of the supposed murdered man! That case has done better duty as a bugbear for a century than any other legal decision.”

Mr. Burchard became quite warm, and made the assertion that he would never take a retainer, and afterwards, no matter what knowledge he should subsequently acquire, desert a client; and he doubted if a conscientious lawyer had a moral right to refuse to defend a brother mortal accused of crime. “For the refusal,” said he, “proceeds upon the ground taken by the doctor, which substantially is that no defence ought to be made but that sentence should be passed upon a real criminal whether the crime can be proved or not. And I am at a loss to discover how my friend the doctor can approve of the requirements of the statutes which have been referred to, and yet assert that honest, conscientious lawyers alone cannot comply with them.”

Mr. Burchard, feeling that he had been somewhat more enthusiastic than the occasion demanded, changed the subject in this wise: —

“You all remember that a certain firm in Philadelphia made a special deposit of eighteen thousand dollars in gold in the Trust Company, and some expert thieves by means of a forged check obtained possession of the money. The manner of accomplishing the feat was peculiar and was most adroitly carried out. The thief drove so sharp a bargain for funds current in New Orleans that the cashier’s mind was diverted from the genuineness of the check to the percentage of exchange to be realized by the operation. Many propositions were made on both sides which were not mutually satisfactory. At last the rogue told the cashier that rather than submit to imposition he would take the gold, and the eighteen thousand dollars were handed over to him in twenty-dollar gold-pieces. The forgery was not discovered till thirteen days after, when the depositor called for his special deposit. Immediately detectives were employed. One of them you have all seen. He is a personal friend of mine, and his ability surpasses Vidocq’s as much as

Vidocq's was superior to that of an ordinary country constable. He judged, by an intuition that none of us can comprehend, that these rogues had carried their plunder to Baltimore, and thither he proceeded. For three months he prowled about that city by night and day, his mind intent upon the one object of ascertaining some clew that should direct him to the discovery of the robber. At the end of twelve weeks he had made no progress, and returned to Philadelphia. There he continued some ten days, and became discontented and vexed at being baffled. Asserting that he felt certain that the thieves made Baltimore their head-quarters, he proceeded thither again. After ten days' further search, one evening, as he was walking slowly past a newspaper-stand on the corner of a street, he observed a boy who wore no hat purchase a New York Herald and give in exchange a twenty-dollar gold-piece. He followed the lad into a drinking saloon in the rear of which was a gambling room. He soon ascertained the proprietor's name, and learned that his family occupied the upper part of the house. He became acquainted with the proprietor's wife, and found that she was sister to the wife of C. B., who was that year the president of the association of rogues, he having been elected to that position at M. in the State of Indiana in the month of August. He also learned that her father resided about fifty miles from Baltimore. The detective was aware that this close corporation of rascals had nine directors, and, knowing the position of C. B. in the association and his connection with the proprietor of the saloon, and understanding also the method of distribution, he concluded that two thousand dollars fell in the division to C. B., and a like amount to the proprietor of the saloon. He left the saloon at midnight, and drove immediately to the residence of the father of the proprietor's wife, and arrived there between nine and ten o'clock on the following morning, meeting the old gentleman in his wagon between his house and the main road, from which it was distant about half a mile. The detective was also aware of a rule among these robbers, that any considerable sum of money stolen, less ten per cent, should be buried for two years; and, having ascertained only what has been above related, he felt sure of the fact that the old gentleman was keeper of one ninth, at least, of the money stolen. He also felt confident that he had gathered enough of the truth to make a powerful impression upon the man he had gone so far to see, and that if he was not altogether given over to the service of this band of bad men, he could state facts enough, which the old gentleman knew were profound secrets, to stagger his mind and arouse his conscience. After an interview of less than an hour this detective, by an art of which we cannot conceive, and by a magnetism and eloquence that no other man of my acquaintance ever possessed a tittle of, actually induced the father of these two women to dig up out of his garden two thousand dollars in twenty-dollar gold-pieces and hand them over to— my friend Mr. Sidney, *who sits at the other end of the table*. And not only so, but he prevailed upon the old gentleman to go with him to Baltimore in order to get possession of other two thousand dollars held by the proprietor of the aforesaid saloon, which he also actually accomplished at a little inn about six miles from Baltimore, where the saloon-keeper and his wife met her father and my friend.

“Yesterday in the Supreme Court I had occasion to avail myself of Mr. Sidney's marvelous ability as an expert in handwriting. The case turned entirely upon his testimony, although some twenty witnesses testified on each side, that they had seen the defendant write and that, in their opinion, the signature was or was not genuine. Mr. Sidney did not arrive till the moment the case was about to be given to the jury, and I had no opportunity of conversing with him, except to ascertain that in his judgement the signature was not a forgery.

“After he took the witness stand and had qualified himself as an expert in handwriting, the note in suit was handed him, and he was requested to state whether or not in his opinion the signature was genuine. It was some minutes before he responded. During the latter portion of the time of his silence his mind seemed intent upon something else. The presiding judge inquired of him if he intended to answer, when he replied: —

“I was considering the matter, not whether the signature was genuine, but how I could convince the jury of the truth of what I have to say. This signature is genuine. The man who wrote it is a moral and religious man, and has therefore forgotten that he executed it. He is aged forty-seven, stands five feet ten, is broad-shouldered, full-featured, with muscular hands, thick, hard, and small; he is a merchant and a bachelor, and finds it hard to give up when he has been mistaken. I judge that the man who sits at the other end of the table wrote his name to this note, and I think I can convince him of it, for his honest face corresponds to the morality of the signature. The jury will observe that the first letter of the name is written while the quill pen was full of ink which was almost exhausted on the second letter and replenished on the third, and the operation is repeated five times. I think, also, that the writer was in poor health and his muscles relaxed when he wrote his name. I am of the opinion, therefore, that the signature was made while the writer was on his back and the nib of the pen was higher than the tip.’

“At this point of the testimony the face of the defendant against whose interest the witness was testifying became luminous and he at once rose and declared that the statement of the expert was the truth, and that it had altogether passed from his mind till that moment.

“I hope now I shall have the pleasure of giving you such an entertainment that you will remember it for your lifetime; and I know whereof I affirm when I state that my friend here present will, one hundred times in succession and without a mistake, from a single specimen of the handwriting of the individual, give his age within two years, his height within an inch, his weight within ten pounds, his profession, whether married or single, his temperament and peculiarities, his moral character, whether—”

Mr. Sidney was here observed to shake his head in a most determined manner.

“Or if my friend,” proceeded Mr. Burchard, “will give us the characteristics of some of our neighbors who may be passing, this company will be easily delighted and astonished, for I assert that he will invariably hit off the peculiarity of a man from a single glance better than any of us after ten years of intercourse and acquaintance.”

Again Mr. Sidney shook his head, and the subject was not again referred to.

At a late hour the company separated, each asserting that he had never passed a more enjoyable evening.

The reader will understand that only fragments of the conversation are here given, and only such and so much as bear upon the question at the head of the article. The sparkle of the remainder might be somewhat dimmed by a repetition, but so agreeable was the flow of soul, so entertaining the wit, so electric the repartees, and so graceful the turns in the conversation when



the jokes began to be too practical, that the whole company, without reference to the compliment of the host, declared to each other, as they met for months and years after, that in their lifetime they had never realized such elegant luxury and such unmitigated pleasure in an entertainment.

Mr. Sidney again and again endeavored to speak a word confidentially to Mr. Burchard, but circumstances, and especially his devotion to Malcolm, prevented.

Both Malcolm and Sidney were to take the night train for New York, and the time of its departure was near at hand. At last Mr. Sidney bade the host good night, saying he should see him again before many days, but hoped he would soon recover from the infirmity in his eyes. Mr. Malcolm was the last to leave.

Early on the morning, while Mr. Burchard was at breakfast, he received the following note.

BERNON BURCHARD, ESQ.:—

MY DEAR SIR,— After leaving your hospitable mansion last night, and while I was hastening to the station to take the night train for New York, I was accosted by two watchmen who arrested me, as they say, for burglary and have detained me at the police station till now. In order that I may keep my appointment in New York, I have waived a preliminary examination before the magistrate, and desire you will become my bail, that I may be immediately released to the important duties devolving upon me elsewhere. Before many days the occasion of my haste will be ascertained, and that it had no reference to the watchmen; and the prosecution will be voluntarily *not prosequed*.

Your friend and servant,

MALCOLM.

Mr. Burchard dropped his cup, and without communicating with his wife, hastened to the assistance of his relative, gave the required bail and released his friend to proceed on his journey, all the while delighted with the thought that Winfield Burchard would sooner or later be informed that his letter of introduction was of some real value to his nephew.

Before his departure, Malcolm handed to Mr. Burchard a draft for one thousand dollars, not to secure him as his bail, as he said, but as a retainer for his defence should such a necessity ever arise, and Mr. Malcolm added with a forced smile, “It is the most singular that I, who doubted the propriety, should so soon claim the benefit of your declaration of your duty made last evening, to which I have so suddenly become a convert, but I most devoutly trust that I may rely upon your assistance at a time of so great humiliation and perplexity.”

To which Mr. Burchard replied that he should most gladly, to the utmost of his ability, labor incessantly for his guest and relative, but must insist that he should be left to do so of his own free will, without reference to any pecuniary compensation, and out of the high regard in which he held his friend and benefactor Winfield Burchard.

To which Malcolm responded, "It would be an accommodation to me if you would take charge of the draft and collect the same and pass it to my credit, for I prefer not to carry about my person so large an amount of money."

The result was that Mr. Burchard retained the draft. He then proceeded to the offices of the several daily newspapers and suppressed the report of the arrest, "for," said he to the editors, "by allowing it to appear you will greatly injure the reputation of one of the most pious and accomplished clergymen in the English church, and I am fully aware of the reason of his haste when overtaken by the watchmen, for he had left my house but a few minutes before and was hastening to the train when the real rogues ran past him."

There was one scurrilous little journal among the newspapers at whose office Mr. Burchard neglected to call. In their next issue the following appeared: —

*"Another Robbery.* About two o'clock last night the dwelling of W\*\*\*\*\* H. B\*\*\*\* on B—— Street was burglariously entered, and a considerable amount of silver plate, jewelry, and other valuables taken and carried away. The loss is estimated at two thousand five hundred dollars. The daughter of Mrs. B—— heard the noise of the robbers as they left the house and gave the alarm. Two watchmen, who were in the immediate vicinity, gave chase, and one of the robbers, who gave his name as George Lathrop, not so swift of foot as the others, was overtaken and carried to the police station, where he waived an examination, gave the required bail of twelve thousand dollars, and is now at large. There were two other participators in the crime who outran the watchmen. Lathrop was observed to throw away something in his flight. A subsequent search discovered it to be a finely wrought mat of curious construction, the handiwork of Miss B——, which sufficiently identifies this one of the thieves with the transaction. The other two were subsequently arrested and held to bail in like amounts, but no part of the booty has yet been recovered. From the promptness with which bail was given, and the standing of the sureties, it would seem that these burglars are not only men of property, but are protected by men in high social position."

On reading the foregoing Mr. Burchard's indignation knew no bounds. He blamed himself for not having recollected the existence of that scurrilous journal, which now seemed more mean and contemptible than ever. Those persons who understood how great a control Mr. Burchard had over his passions could nevertheless see that an earthquake was pent up in his bosom. He was almost beside himself with rage. When his indignation had somewhat subsided his pride and high sense of honor became equally disturbed. He feared that his guests of the previous evening might hear of the matter, and identify Malcolm with George Lanthrop. Vexed almost beyond endurance, dejected and tormented beyond the rallying point, he went to his house bewildered, and threw himself upon a lounge, and overcome by exhaustion fell asleep. When he awoke it was evening. He rose from his couch, seated himself before a bright wood fire, and looked intently into the coals. Snow was falling softly upon the pavements till the tramp of passing travelers became muffled and hushed. Maguire came into the library, and entered into conversation with Mr. Burchard concerning the entertainment of the previous evening, and finding that it was considered by him eminently successful, begged Mr. Burchard to give him a certificate which would secure him a similar place should anything ever occur by reason of which he should

relinquish his present position. Whereupon Mr. Burchard turned to his writing-table and wrote as follows: —

December, 1855.

This is to certify that M. Maguire has resided in my family for eight years last past, and during all that period has conducted himself with the most perfect propriety, and has shown consummate skills as a kitchener, and in all matters pertaining to the order and etiquette of a feast has no superior, and I do cordially recommend him, in case he shall ever leave my employment, as an honest, upright, and faithful man, and worthy of my regard,

BERNON BURCHARD.

This he handed to Maguire with the remark that if it was not sufficiently comprehensive he might dictate such an one as he desired and he would sign it. Maguire, perceiving that his employer was not in a talkative mood, quietly left the room. As he left, Mrs. Burchard came into the library and sat down to talk over the dinner-party. Both agreed that it was a great success, and that Maguire was a jewel. Mrs. Burchard began to laugh, and then asked, “Did you observe that pickle, my dear?”

“What about the pickle?”

“Why, the pickle that Mr. Malcolm took happened to have a cut nail extending the full length of it. Now, my dear, do you suppose that nail could have grown in the cucumber? Ha, ha! What an entertaining man he is, and what a fund of anecdote, and how well he tells a story; and yet I don’t fancy him. Those bills of fare in Hebrew, Greek, and Latin, how did—”

The door-bell rang and Mr. Sidney was announced. “Thank God,” exclaimed Mr. Burchard. So rejoiced was he that his whole frame trembled with emotion and tears trickled down his face. Grasping his hand with both his own, he asked, “You received my telegram, then?”

“No.”

“Then what brought you here so soon?”

Mrs. Burchard, perceiving the conversation was not free in her presence, quietly left the room, when Mr. Sidney assumed a grave demeanor and said: “Mr. Burchard, I have always believed you eminently an honorable and honest man, and do so still. Do you grant this of me?”

“Yes, but if you did not receive my telegram, what brought you here tonight, for I am aware of the necessity you are under to be elsewhere?”

“I told you I should soon return,” said Mr. Sidney, “for I feared that you might compromise yourself to an unpardonable degree with the scamps by whom you have been surrounded, and the thought of it so weighed upon my mind that when I met the train at New Haven bound eastward I determined to come again to you and inform you of your peril.”

“I am not aware that I am in any peril.”

“If you were aware of it you would be safe, and your lack of knowledge is the reason of my return.”

“Have you any information of what has transpired since last evening?” inquired Mr. Burchard.

“None, whatever.”

“Then unburden yourself with the least possible delay, for I have been so harassed and tormented during this day as almost to be overwhelmed: and as you are aware that I hold your judgement in these matters akin to prophecy, I beg you will proceed, for I have pondered over and over again your meaning when you compared me, both at the beginning and the ending of the company, to Bartimeus.”

“First,” said Mr. Sidney, “I wish you to understand that I have never before last night seen or heard of the two or three persons concerning whom I propose to speak, and I feel that I ought first to have your permission to say all that is in my mind for it comes nearer home to you than you suppose.”

“You have it; go on.”

“If it be true that the heart of a man changeth his countenance, then it is absolutely certain to my mind that your clergyman is a most unmitigated scamp, and it may, with propriety, be said that he has no conscience at all, so perverted has it become. He is a gambler by profession, and a passer of counterfeit money, but his business is burglary. He has followed it for years, and had his mind not been on it for years, he could not have become so perfect in his craft. The one great quality demanded by his business is *patience*, and he has attained it. The most remarkable thing about him is his assurance. I never knew an instance of so bad a man having the audacity to appear in the company of gentlemen of refinement, and to say grace with a voice that had no heart in it. It is usually the last place that those of his craft seek, and I cannot yet comprehend how he wheedled you.”

Mr. Burchard explained, as has been previously stated.

“And that Maguire of yours is as bad a woman as walks the earth.”

“Woman!” exclaimed Mr. Burchard; “for eight years he has been one of the most faithful servants and upright men I ever knew.”

“*Now, Mr. Burchard!*” said Mr. Sidney, looking him straight in the eye, “do you mean to tell *me* that you don’t know Maguire is a woman!”

“I surely do not so suspect even.”

“Then the blindness of Bartimeus was nothing to yours. Has she any beard? Has she a man’s voice? Has she the figure of a man? Does she make any motions of body or limb like a man? Surely not. She is a woman, and has consummate art, more than any woman I ever saw save one. She consorts continually with thieves and robbers, and if you do not suspect it you ought to know it, and that is what has brought me here. Your house is on fire of hell, and you do not seem to apprehend it. Did you not notice at the table that she spilled some wine on the Reverend (?) Mr. Malcolm’s head and white cravat, and do you suppose it was accidental? No, sir, they are better acquainted than you and I, for he did not start when it was done, but was conscious who did it. When I entered your drawing-room and saw you standing between these two graceless villains, I looked around me in order to ascertain how many of that stripe were present, and finding but one other, I concluded you had been imposed upon and that I would improve the opportunity to study human nature. I *should* like to be informed how it came to pass that that reverend state’s-prison bird obtained an invitation from you.”

Mr. Burchard explained the method of the introduction by a letter from his kinsman in England as before stated.

“Have you the letter?”

The letter being produced, after a moment’s examination he said: “Very well done. *Very* well done. He is better at that than I supposed, yet many of the letters show more than one stroke of the pen. He is an Englishman, but learned to write in Germany. He was once a cook. He does not write Malcolm as if he is used to it, and that is an assumed name. Great nerve, assurance, self-reliance, and patience. Is fond of children. Has more conceit than his manners indicate, kind-hearted man and even generous in his way, but has no notion of truth or morals. Should say he had spent much of his time in Baden Baden and other like places. Is good at gambling, but burglary is his *forte*. Ah! yes, this specimen of his handwriting, if it is disguised, tells the whole story of his life. That was a pretty crowd, was it not? for me to show off, too, that I could read their characters in their faces.”

“Is it possible?” soliloquized Mr. Burchard, “and my admirable Maguire his accomplice!”

Mr. Sidney asked for the last letters which he had received from Winfield Burchard in order to compare the two, but examining his portfolio, all were gone.

Mr. Burchard then stated to Mr. Sidney what had transpired during the day, —Malcolm’s arrest, the giving of bail, the suppression of the report in the newspapers, and the report which appeared in one of the journals, his acceptance of the draft of one thousand dollars, and some other particulars, when Mr. Sidney said, —

“Why were your eyes not opened by the fact that Malcolm did not give the same name to the watchmen as to you? That is an offence against a statute, and you know it, and an honest man, whether clergyman or boot-black, never descends to that. Besides, the robbery was committed, according to this account, more than an hour after the night train had gone to which your supposed relative was hastening. That fact also should have convinced you; and what an adept he was to have known enough of the forms of law to have waived a preliminary examination and to

have secured you as bail before you had recovered from your dream! He managed well to get your opinion last night of the duty of lawyers to defend rogues. Mr. Burchard, you are harnessed. You must now defend that rascal. Your mouth is closed, you have pocketed a retainer. A thousand dollars' fee does not indicate light work, but seems to imply a strain upon your conscience. I once heard the ex-secretary of president Harrison's Cabinet decline a like amount because it implied too much for his honor."

Mr. Sidney touched a sensitive place. If Mr. Burchard had any reputation or quality as a lawyer, it was for his unsullied integrity and keen sense of honor. The ability of Mr. Sidney in his department had not brought that comfort which Mr. Burchard had hoped for. His distress of mind was so great that Mr. Sidney judged he had gone beyond the limit of safety, and he quoted. "Faithful are the wounds of a friend.' As your friend, I open to your view the peril from which it is your duty to escape. If you are involved, extricate yourself with honor if you can, and if you cannot, then do no more than honor requires."

A long pause ensued. At length Mr. Burchard broke the silence by inquiring what evidence there was that Maguire was criminal.

"Because she gets the information for Malcolm, and draws plans of the houses which he intends to rob, and locates every piece of furniture in them so that he can enter the house and go through darkness to his objective point. He passes half his nights in her room. There the schemes are matured, and if you think her less criminal than Malcolm, you are welcome to your opinion."

"But what information can you give me upon which I can act?"

"She has deceived you in passing herself off as a man. She is in fellowship with Malcolm, while it is for her interest to be faithful to you, for by reason of being your man she has access to those houses which may be presumed to be profitable in the plundering. I cannot tell you any particular thing she has done, but I can send a message to the back door by reason of which she will fly from your house and never again show you her face."

"What message will you send?"

"I will write on a card these words, 'All is known, detectives are approaching.'"

"Do it," said Mr. Burchard, "and if he is honest he will show it to me and ask advice, and we will see if he will fly."

The card was delivered, no commotion followed. She was not seen to escape, though watch was set for the purpose. Search was made for her in vain, from the appearance of her room it was evident she had fled. It was months before she was heard from, and then the inquiry came from the chief of police in a Western city, "Did Mary Maguire, alias Sonsie Jane, alias Wily Mary, ever reside with Bernon Burchard? Is his certificate genuine!"

In the mean time Mr. Burchard was intensely excited by conflicting emotions and the discussion within himself concerning his duty. Could he retain the money, and give information to the

police? No. Did the fraud of Malcolm vitiate his obligation to him? In some particulars, but not in all. Did his oath to be faithful to his client prevent him from withdrawing from the case till at least he had returned what he had received? Yes; but how could he return it, since it was doubtful if Malcolm would ever again appear?

Before Mr. Sidney left town it was arranged that he should ascertain the whereabouts of Malcolm if possible, and, as the attorney of Mr. Burchard as bail, bring him hither at all hazards and confine him in jail to await his trial or till he should procure other sureties. Mr. Sidney stipulated that Mr. Burchard should not on any account telegraph to him or any other person upon the subject, because that telegram would certainly reach Malcolm, if he was a chief member of the gang of villains, before it did him or the person to whom it should be addressed. This injunction, however, escaped the mind of Mr. Burchard. As the time for Malcolm's trial drew near, he, Mr. Burchard, became nervous and careworn. Learning through a New York detective that Malcolm was in that city, he at once telegraphed to his attorney there to seek out the detective and have Malcolm arrested.

The writer of this article, who was then aware that some great trouble shrouded the mind of Mr. Burchard, without knowing what it was, happened to be conversing with him on the street near his office door when the answer to the telegram arrived, and had the opportunity of reading it all except his signature. Before the message had been delivered to the attorney in New York the answer came from Malcolm at New Orleans, printed upon a long strip of paper as follows: —

“NEW ORLEANS, March —, 1856.

“I never disappoint my bail. My thoughts on awful subjects roll, damnation and the dead, what horrors seize the guilty soul upon a dying bed. Linger about these mortal shores she makes a long delay, till like a flood with rapid force, death sweeps the wretch away. Good for Doctor Watts. I have three weeks yet to spare.”

How it was signed I am not aware. The envelope was marked “paid \$32.75.”

On the afternoon previous to the sitting of the court at which Malcolm was under bail to appear, he unexpectedly presented himself at Mr. Burchard's office. The conflicting emotions in Mr. Burchard's breast upon beholding him can well be imagined. Indignation for the imposition and forgery was most apparent. Vengeance was secondary, tempered by the fact that he had made his appearance, although not yet safe in jail. His soul burst forth in a holy horror of a man apparently incapable of entertaining a moral sentiment, and so brazen as not to appreciate his guilt. His presence so exasperated Mr. Burchard that he rushed toward the door without any definite intention but to be rid of his visitor. Malcolm calmly placed his back against the closed door and said very coolly: — “All this indignation is well enough before a jury, Mr. Burchard, and I read in your countenance what is passing in your mind, but it is wise to take men as they are and the world as it is and not as it should be. I meet you to-day on equal terms. You claim something of me, and I of you. If you are a man of honor, fulfill your contract. If you are a sneak, do as I should have done had I forfeited my bail. I have shown the estimate I put upon my duty by appearing to discharge you as my bail in the face of the indignity I have put upon you and knowing full well what I was to encounter. Show half my pluck, and it will serve you well. I am

not yet your prisoner, and by the Eternal! I will not be till to-morrow when I shall be content with that position. On your peril answer me, Will you fulfil your agreement? Will you be a man or a knave?"

Mr. Burchard answered not, but saw the desperate nature of the man with whom he had to deal, and that he was provided with weapons with which to enforce his argument. Malcolm proceeded, "I never was and never will be a sneak. I am bound by honor as well as you. You are a lawyer and a good one. I am a burglar, sir, and am not ashamed of my jobs. You exalt your profession, and so do I mine. Business is business, and mine is as honorable as yours. Think you I am less public-spirited than you? Think you I love my wife and children less than you? Come, come, Mr. Burchard; down from your perch! You are a man of principle. I am no sardine. You have taken my money, and you cannot return it if you would, for the bankers upon whom it was drawn have failed, and the draft has not been presented and is your loss. I know what you would like to say. It is true I used dissimulation and procured an invitation to your dinner-party, and here is Winfield Burchard's letter to you (presenting it), whose handwriting I imitated; but it was all in my line. I laid a bet I could do it, and that draft was just the sum I won. Bristol Bill pays up like gentle folks, but then he did n't know my opportunities. What possessed you to dismiss Maguire? but no matter; that is all gone by. During the last eight years I have passed at least six hundred nights in your house, and have been very frequently in your sleeping-room, and heard your confidential talk with your wife. Doubt it, do you? Yes, your door *was* always bolted on the inside, and no other one opened into your chamber, but I can tell you conversations you had with your wife that will convince you. Do you remember one night when your wife became nervous and fell to crying lest the pain she felt in her breast should prove to be cancer, and you told her that you would go to Boston with her and consult Dr. Jackson and ask Dr. P. to go with you? Do, eh? And do you remember one night when your niece slept upon the sofa in your room? I had no idea she was there, and needlessly waked her. She screamed, and while you was attending to her fright I slipped out and did n't leave your door bolted. I heard you tell her she was dreaming.

"And do you remember one night telling your wife that you could not imagine how three cigars got out of a new box you had opened the night before? Those cigars were the only things that either Maguire or I ever took from your house.

"I will make you this proposition, and if you accept it you will do well. By the night train my two accomplices in that job will arrive. I don't intend to be shut up till they come. I will pay for six men to sit up with me here to-night in this office, and you shall select them, and in the morning I will pay their fees and go to jail."

The proposition was accepted, and the chief of police furnished the keepers.

During that night Mr. Burchard's office was the scene of strange revelations. Malcolm furnished money to one of the officers, who brought in a basket of champagne and ordered a supper at one o'clock in the morning, to be the most complete that money could buy and the city furnish. The officers were at liberty to invite in their friends who were reliable. Malcolm distributed to each of his keepers five times the sum of money agreed upon for their wages, and demanded of them a faithful performance of their duty. Some thirty had entered the office, and the door was closed and not to be opened on any account till supper was announced. Malcolm had sent to a



neighboring bookstore, and obtained one pack of every edition of playing cards there kept for sale. Some forty packs with different backs were piled up at one end of the table. Malcolm invited some one to take a hand of euchre with him. The captain, who was considered the most expert player, took a chair at the corner of the table, and the rest were to observe the game, but say nothing which they should discover till the game was over. Malcolm took one of the packs from the envelope, and said, "This edition was gotten up by Count —— at ——, and with it he played twenty-one nights and won —— thousand dollars before the markings were discovered. Cut the cards if you please, and mind, if you can, that the ten of spades is not turned." The cards were dealt and the ten of spades was turned. The two bowers and two aces were given to the captain, who ordered up the ten.

"Now, captain, I have given you the bowers and two aces, and yet you are euchred." And so it was. Malcolm inquired if any one perceived how it was done, and, receiving a negative reply, said, "Very well, he shall do precisely the same thing, and see then if you detect the method. I will cut for a ten to be turned and order it up, and you will observe."

Almost the same cards were out into Malcolm's hand as had been put into the captain's.

"Now," said Malcolm, "I order it up and will make one," and so it was.

"Did any of you see how that was done?"

None could detect. The cards were again shuffled by a looker-on. It was Malcolm's deal. "I must not make too often. This time you shall march. You see I have given you three trumps and a king and an ace of another suit." And so it was.

The cards were shuffled again. "You must make one this time." And so it was.

"Now," said Malcolm, "please say whether I shall make one, or lose one, or go out."

It was the captain's deal, and the company requested Malcolm to go out if he could.

"Very well then, I cut a bower; the left is next above it as they fell in the last hand, and so will not be out."

Malcolm ordered up a queen, took it out with a king, and made three low clubs and won the game.

"Let's take another pack while these gimlet-eyed fellows hunt up the markings. This edition was gotten up by Sunderland for a high-low-jack pack, and was read the first night. The profession never use it, the marks are so apparent. Try it once at all-fours."

The cards were dealt by the captain, and Malcolm said, "I will stand, although I have but one trump, for you have none." And Malcolm made three points.

"Had you detected the manipulation, I should have lost and you would have made three.

“Try another pack. This had a run of three months before it was detected. It is well executed, and only the most sagacious and quick-sighted are never mistaken in the cards. There is not an edition of cards that I cannot read as well by seeing one side as the other. No pack was ever edited in fairness to both parties. A man is a fool who will get out such an edition. I carried two new ones to the B— house in London, and won thirteen nights with them.”

One of the company, who had been out and returned, produced a pack with plain backs, and asked triumphantly if Mr. Malcolm would please to read them by the backs.

“This edition,” said Malcolm, “was gotten up in Edinburgh by an Irishman named Mulligan, and was popular for a while, but when he won every night with it suspicions were aroused, and finally a boy twelve years old deciphered it. I can tell each card across the room.” And he did.

And so the entertainment went on, Malcolm winning every game till supper was served; not one of the company detecting how it was done.

“Now, boys,” said Malcolm, “this is my treat, and please enjoy yourselves, for I shall expect you all to be in court when my case is tried, to laugh on my side. Lawyers don’t understand the value of a chuckle in swaying a jury in a doubtful case. Lay to. ‘The art of cookery,’ says Henry Cornelius Agrippa, ‘is very useful if not dishonest.’ My appetite is good, and I trust you are all likewise minded, for Beaumont and Fletcher say, ‘What an excellent thing God did bestow upon man when he gave him a good appetite.’ Mine is almost equal to that of Erisichthon described by Ovid, —

‘Thus Erisichthon’s profane chops devour  
All sorts of food: in him food is the cause  
Of hunger: and he will employ his jaws  
To whet his appetite.’

“’T is said that Maximus, the Emperor who succeeded Alexander Memneaus, consumed forty pounds of flesh in one day, and drank an amphora of wine containing forty-eight quarts.

“Waiter, pass your wines. No blue ruin or heavy wet. In the days of the great Cæsar all feasts began with eggs and ended with fruits, cream, and apples; hence the proverb, *ab ovo usque ad mala*, and the man who did not crush his eggshell, or put his folded napkin on his left knee, was considered a fool. As we have not the eggs, we will do our best with the napkins. No melancholy subjects at this table. So here’s luck.” And all drank a bumper.

“Did you ever hear how Pope Julius III. became enraged against his cook for not having saved him a cold peacock for supper, and how he began to blaspheme? Whereupon one of his cardinals said to him, ‘Let not your Holiness be so moved with a matter of so little weight.’ ‘What!’ said the pope, ‘if God was so angry for one apple that he cast our first parents out of Paradise, why may not I, his vicar, be angry for a peacock, sithers a peacock is greater than an apple?’

“The oysters from Tarentum, so prized by one of the Cæsars, I forget which, were not to be compared to these. Captain, take a hand at them. Let me give you a song.”

And with a sweet melodious voice and a Scotch accent, he sang Burns's Ode on the Haggis.

“Fair fa' your honest, sonsie face,  
Great chieftain o' the pudding race:  
Aboon them a' ye tak your place,  
Paunch, tripe, or thairm;  
Weel are ye worthy o' a grace  
As lang 's my arm.’

“This bird is excellent; whoever cooked it,

‘His name should be enrolled  
In Estcourt's book, whose gridiron's framed of gold.’

“Help yourselves, gentlemen, digestion is the business of the stomach and indigestion that of the physicians. It is better to dine late, for one can then concentrate all his thoughts upon his plate, forget business, and only think of eating and drinking and going to bed. Ha, ha! I should have omitted the bed in quoting from the gourmands, for they would rather fast than be obligated to eat a good dinner in a hurry. Five hours is little enough, provided Mr. Burchard shall not in the mean time appear and drive us away.

“This venison is delicious; none was ever better served. The Roman Senators debated the question how a turbot should be cooked, and the author of this dish deserves a place among such.

“Montmaur is reported to have said that Easter and Christmas were the two best days in the year. Easter because it was the farthest from Lent, and Christmas because then you breakfast at midnight. Who says this is not equal to Montmaur's Christmas breakfast?”

This sort of banter, interspersed with songs and stories, was kept up till a late hour, when all of a sudden the keepers awoke to the fact that Malcolm had flown. The visitors laughed heartily. The company dispersed, not standing upon the order of their going. The table was cleared, and the office put in order. Only one of the keepers remained, who resembled in appearance a cat that had played with her mouse and lost it; the others were out looking for Malcolm. At an early hour in the morning he returned, and seating himself at Mr. Burchard's desk, wrote him this note: —

MR. BURCHARD, — I trust I did not disturb your repose. I found, this morning, in your safe in your house this pretty little casket sent you from your English namesake. I have seen it often before, but wanted another squint at it, and I have brought it to your office lest some burglar might steal it from your house. I noticed your wife's watch lying around loose in your sleeping-room, which is of no great value—to me, —and I contented myself with the charms, which I will put into your steel chest, here in the office, for safe keeping against the time of my need. The putting a yoke on the keys of your door, so I could not turn them with the nippers, was all useless. The chair poised against your sleeping-room door gave me a deal of trouble, and I could not put it back as I found it. Please excuse me. The thread on the stairs attached to an alarm-bell might as well have been omitted. The old-fashioned fork against the bolt I put back as I found it, and came out by the dining-room window. Your portfolio you will find between the beds on

which you were sleeping. It took me half an hour to make you turn over so I could do it. George Waters is my counsel, to whom I have committed my case. He will arrange the evidence. Unless you eat your own words, you will sit beside him and ask the jury if they believe the case is made out beyond a reasonable doubt, for I know better than you the weight of your character. I shall be in jail by breakfast-time.

MALCOLM.

At the bottom of the note was a well-drawn hand with spread fingers at the end of a man's nose.

When all the officers had returned, dropping in one by one, towards morning, they were somewhat surprised and relieved upon beholding Malcolm. He informed them that it would be all right if they would all appear at his trial and laugh for him.

At the trial, Mr. Burchard, careworn and nervous, made his appearance. Mr. Waters conducted the testimony for the defence. Mr. Burchard inquired of him what testimony Malcolm relied upon, and was answered that no testimony whatever was to be introduced, but he would rely altogether upon the lack of testimony on the part of the government. A cold shiver ran down Burchard's backbone. The question of guilty or not guilty turned upon the identity of the mat previously spoken of, which, it was asserted, Malcolm threw away as he ran. The watchman testified positively to the fact, but it was in the night, and he might have been mistaken. Mr. W. H. B. testified generally as to the robbery, and recognized the mat as probably the one made by his daughter, although he could not positively make oath to the fact. As the case turned upon the testimony of Miss B., I give the whole of the cross-examination.

*Question by Mr. Waters.* You have said that you *know* this mat to have been the work of your own hands, and that you made it for a particular purpose. If you please, what was that purpose?

*Answer.* I had presented me on Christmas a fine statuette of Samuel, which I admired so much that I worked this mat with great care upon which to place it.

*Q.* And did you work it from a pattern?

*A.* Yes, sir.

*Q.* And have you ever seen others like it?

*A.* Yes, sir, three, but not in this city.

*Q.* And where did you get the pattern?

*A.* From a friend in Philadelphia.

*Q.* Now, if you have seen other mats like this, how do you know, of your own knowledge, that this is not some other lady's work?

A. I know it is my work because the centre portion of the mat was left plain, which centre is exactly the size of the base of my statuette.

Q. Is there any other reason which you can give?

A. I know it looks like my mat.

Q. Certainly, but would it not look like your mat if it had been wrought by another lady?

A. Perhaps so.

Q. You say *perhaps* so; would it not look like your mat if it had been wrought by another lady?

A. I think it would.

Q. Have you the statuette now?

A. Yes, sir, it is at our house.

At this point of the trial the statuette was sent for and brought into court by the father of the witness. Mr. Waters took it into his possession. Considerable discussion arose when the prosecuting attorney insisted upon being allowed to examine it. Mr. Waters became almost violent, and declared he would smash the image rather than be so imposed upon. He was cross-examining the witness with no testimony for the accused, and he insisted upon his rights without interruption. The court ruled in Mr. Waters's favor. He, holding the statuette by the base, walked up to Miss B., and inquired of her if she recognized it as her own.

A. I certainly do.

Q. And how do you know it is certainly your own?

A. It is just like mine.

Q. But are there not other copies so like it as that you cannot tell the difference, nor one from the others?

A. Yes.

Q. How then can you say for certain that this is yours?

A. Because my father has just brought it from our house, and I saw him go and return with it. I can give no better reason.

Q. Can you say from your own knowledge, from an examination of the image, that it is yours?

A. No, sir.

*Q.* Have you any more reliable knowledge concerning the mat being yours?

*A.* Yes, for the space in the middle was made expressly to fit the base of the statuette.

*Q.* And are you willing to risk your testimony on that fact alone?

*A.* I am.

The mat and the statuette were then shown the witness and the jury, and the base of the statuette overlapped the plain surface in the centre of the mat half an inch. The witness became faint, and was carried into the lobby. The jury, without leaving their seats, rendered a verdict of NOT GUILTY.

The captain feasted Malcolm that night, and obtained from him the secret of his defence. Maguire, as a woman, had procured the situation of cook in the house of Mr. W. H. B., and had substituted for the original Samuel another, altogether similar except that its base was half an inch larger.

The captain further inquired what had been Malcolm's occupation in early life, and how he had acquired so much knowledge of the gourmands and feasts.

"I was cook at Baden Baden," said Malcolm, at the B—— House. There I met Count S., who took a fancy to me. I served also at the tables, after that as waiter in the house, and keeping an eye open I was a great help to the Count. He knew everything about the table, kitchen, and the larder, and I remembered what he used to repeat night after night, when a year or two ago I found Dick Humelbergius's book upon the art of never breakfasting at home and always dining abroad. I found everything recorded there, and that is pretty much the only book I ever read. I can quote Latin, and know where to put it in, but what the —— the meaning of it is, I have no notion."

"Allow me to further inquire by what process or contrivance you can slide a bolt on the opposite side of the door?"

"I paid \$3,500 for that information, and don't propose to part with it."

"Then advise me what is best for me to do when I find a burglar in my sleeping-room in the night time?"

"Do nothing, sir, unless you are hunting up a graveyard. We never desire to maim or kill, but we can. I should be poorly provided or skilled if I was not ready for such emergencies. As soon as the burglar leaves your room, rise and light the gas, and he will trouble you no more."

"One other question. Did you rob and then burn the Jenks house?"

"That is not a question to be answered, but I will say that I have a drawing of the house and the location of every piece of furniture in it, which is perfect."

To this day, only two of the persons who were present at the dinner-party are aware of the history of the two worthies, the Reverend Mr. Malcolm of Oxford and Maguire the butler of Mr. Bernon Burchard.

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