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THE

*Handwritten initials*

*Handwritten flourish*

# WAYS OF THE HOUR;

A TALE.

BY THE AUTHOR OF

"THE SPY," "THE RED ROVER," &c., &c.



"Is this the way  
I must return to native dust?"



INV. 1898

NEW YORK:  
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1856.

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## PREFACE.

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THE object of this book is to draw the attention of the reader to some of the social evils that beset us; more particularly in connection with the administration of criminal justice. So long a time has intervened since the thought occurred, and so many interruptions have delayed the progress of the work, that it is felt the subject has been very imperfectly treated; but it is hoped that enough has been done to cause a few to reflect on a matter of vital importance; one that to them may possess the interest of novelty.

A strange indifference exists as to the composition of the juries. In our view, the institution itself, so admirable in a monarchy, is totally unsuited to a democracy. The very principle that renders it so safe where there is a great central power to resist, renders it unsafe in a state of society in which few have sufficient resolution to attempt even to resist popular impulses.

A hundred instances might be given in which the juries of this country are an evil; one or two of which we will point out. In trials between railroad companies and those who dwell along their lines, prejudice is usually so strong against the former, that justice for them is nearly hopeless. In certain parts of the country, the juries are made the instrument of defeating the claims of creditors who dwell at a distance, and are believed to have interests opposed to the particular community where the debtor resides. This is a most crying evil, and has been the source of many and grievous wrongs. When-

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ever there is a motive for creating a simulated public opinion, by the united action of several journals, justice is next to hopeless; such combinations rarely, if ever, occurring in its behalf. In cases that are connected with the workings of political schemes, and not unfrequently in those in which political men are parties to the suits, it is often found that the general prejudices or partialities of the out-door factions enter the jury-box. This is a most serious evil too; for, even when the feeling does not produce a direct and flagrant wrong, it is very apt so far to temper the right as to deprive it of much of its virtue. In a country like this, in which party penetrates to the very bottom of society, the extent of this evil can be known only to those who are brought into close contact with the ordinary workings of the institution.

In a democracy, proper selections in the material that are necessary to render juries safe, become nearly impossible. Then, the tendency is to the accumulation of power in bodies of men; and in a state of society like our own, the juries get to be much too independent of the opinion of the court. It is precisely in that condition of things in which the influence and authority of the judge guide the juror, and the investigation and substantial power of the juror react on the proceedings of the court, that the greatest benefits have been found to accrue from this institution. The reverse of this state of things will be very likely to produce the greatest amount of evil.

It is certain that the juries are falling into disrepute throughout the length and breadth of the land. The difficulty is to find a substitute. As they are bodies holding the lives, property and character of every member of the community, more or less, in their power, it is not to be supposed that the masses will surrender this important means of exercising their authority voluntarily, or with good will. Time alone can bring reform through the extent of the abuses.

The writer has not the vanity to suppose that anything contained in this book will produce a very serious impression on the popularity of the jury. Such is not its design. All that is anticipated is to cause a portion of his readers to reflect on the subject; persons who probably have never yet given it a moment of thought.

There is a tendency, at the present time, to court change for its own sake. This is erroneously termed a love of reform. Something very like a revolution is going on in our midst, while there is much reason to apprehend that few real grievances are abated; the spurious too exclusively occupying the popular mind, to render easy a just distinction between them. When an American prates about aristocracy, it is pretty safe to set him down as knavish or ignorant. It is purely cant; and the declaimers would be puzzled to point to a single element of the little understood and much-decried institution, the country being absolutely without any, unless the enjoyment of the ordinary rights of property can be so considered. But the demagogue must have his war-cry, as well as the Indian; and it is probable he will continue to whoop as long as the country contains minds weak enough to furnish him with dupes.

Cooperstown, March 12, 1850.



# THE WAYS OF THE HOUR.

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## CHAPTER I.

*Mar.* My lord Aumerle, is Harry Hereford armed?

*Aum.* Yea, at all points; and longs to enter in.

*King Richard II.*

IN one respect, there is a visible improvement in the goodly town of Manhattan, and that is in its architecture. Of its growth, there has never been any question, while many have disputed its pretension to improvement. A vast expansion of mediocrity, though useful and imposing, rarely satisfies either the judgment or the taste; those who possess these qualities, requiring a nearer approach to what is excellent, than can ever be found beneath the term just mentioned.

A town which is built of red bricks, that are faced with white marble, the whole garnished with green blinds, can never have but one outward sign — that of tawdry vulgarity. But this radical defect is slowly disappearing from the streets of Manhattan; and those who build, are getting to understand that architecture, like statuary, will not admit of strong contrasts in colours. Horace Walpole tells us of a certain old Lord Pembroke, who blackened the eyes of the gods and goddesses in the celebrated gallery at Wilton, and prided himself on the achievement, as if he had been another Phidias. There have been thousands of those who have laboured in the spirit of this Earl

of Pembroke in the streets of all the American towns; but travelling, hints, books and example, are slowly effecting a change; and whole squares may now be seen in which the eye rests with satisfaction on blinds, facings and bricks, all brought to the same pleasing, sober, architectural tint. We regard this, as the first step, in advance, that has been made in the right direction, so far as the outward aspect of the town is concerned, and look forward, with hope, to the day when Manhattan shall have banished its rag-fair finery altogether, and the place will become as remarkable for the chaste simplicity of its streets, as they have hitherto been for their marked want of taste.

With this great town, mottled as it is, in people as well as in hues, with its native population collected from all parts of this vast republic, and its European representatives amounting to scores of thousands, we shall have much to do in the succeeding pages. Our researches, however, will be bestowed more on things moral than on things physical; and we shall endeavour to carry the reader with us through scenes that, we regret to say, are far more characteristic than novel.

In one of the cross streets that communicate with Broadway, and below Canal, stands a dwelling that is obnoxious to all the charges of bad taste to which there has already been allusion, as well as to certain others that have not yet been named, at all. A quarter of a century since, or within the first twenty years of its own existence, the house in question would have been regarded as decidedly patrician, though it is now lost amid the thousands of similar abodes that have arisen since its own construction. There it stands, with its red bricks periodically painted redder; its marble facings, making a livery of red turned up with white; its green blinds, its high stoop, its half-buried and low basement, and all its neatness and comfort, notwithstanding its flagrant architectural sins. Into this building we now propose to enter, at the very early hour of eight in the morning.

The principal floor was divided, as usual, between a dining and a drawing-room, with large communicating doors. This was the stereotyped construction of all Manhattanese dwellings of any pretension, a quarter of a century since; and that of Mr. Thomas Dunscomb, the owner and occupant of the house in question, had been built in rigid conformity with the fashion of its day. 'Squire Dunscomb, as this gentleman was termed in all the adjacent country counties, where he was well known as a reliable and sound legal adviser; Mr. Thomas Dunscomb, as he was styled by various single ladies, who wondered he never married; or Tom Dunscomb, as he was familiarly called by a herd of un-yoked youths, all of whom were turned of sixty, was a capital fellow in each of his many characters. As a lawyer, he was as near the top of the bar as a man can be, who never had any pretensions to be an orator, and whose longest effort seldom exceeded half an hour. Should the plan of placing eloquence in hobbles reach our own bar, his habit of condensing, his trick of getting *multum in parvo*, may yet bring him to the very summit; for he will have an immense advantage over those who, resembling a country buck at a town ball, need the whole field to cut their flourishes in. As a man of the world, he was well-bred, though a little cynical, very agreeable, most especially with the ladies, and quite familiar with all the better habits of the best-toned circles of the place. As a boon companion, Tom Dunscomb was an immense favourite, being particularly warm-hearted, and always ready for any extra eating or drinking. In addition to these leading qualities, Dunscomb was known to be rich, having inherited a very tolerable estate, as well as having added much to his means, by a large and lucrative practice. If to these circumstances we add that of a very prepossessing personal appearance, in which age was very green, the reader has all that is necessary for an introduction to one of our principal characters.

Though a bachelor, Mr. Dunscomb did not live alone. He

had a nephew and a niece in his family, the orphan children of a sister who had now been dead many years. They bore the name of Wilmeter, which, in the family parlance, was almost always pronounced Wilmington. It was Jack Wilmington, and Sally Wilmington, at school, at home, and with all their intimates; though Mr. John Wilmeter and Miss Sarah Wilmeter were often spoken of in their little out-door world; it being rather an affectation of the times to prove, in this manner, that one retains some knowledge of the spelling-book. We shall write the name as it is written by the parties themselves, forewarning the reader that if he desire to pronounce it by the same family standard, he must take the unauthorized spelling as a guide. We own ourselves to a strong predilection for old familiar sounds, as well as old familiar faces.

At half-past 8, A. M., of a fine morning, late in May, when the roses were beginning to show their tints amid the verdure of the leaves, in Mr. Dunscomb's yard, the three individuals just mentioned were at the breakfast-table of what it is the fashion of New York to term a dining-room. The windows were open, and a soft and fragrant air filled the apartment. We have said that Mr. Dunscomb was affluent, and he chose to enjoy his means, not à la Manhattan, in idle competition with the *nouveaux riches*, but in a more quiet and rational way. His father had occupied lots, "running through," as it is termed; building his house on one street and his stables on the other; leaving himself a space in the rear of the former, that was prodigious for a town so squeezed into parallelograms of twenty-five feet by a hundred. This open space was of the usual breadth, but it actually measured a hundred and fifty feet in length, an area that would have almost justified its being termed a "park," in the nomenclature of the town. This yard Sarah had caused to be well garnished with shrubbery, and, for its dimensions, it was really a sort of oasis, in that wilderness of bricks.



The family was not alone that morning. A certain Michael Millington was a guest of Jack's, and seemingly quite at home in the little circle. The business of eating and drinking was pretty well through with, though each of the four cups had its remains of tea or coffee, and Sarah sat stirring hers idly, while her soft eyes were turned with interest on the countenances of the two young men. The last had a sheet of writing-paper lying between them, and their heads were close together, as both studied that which was written on it in pencil. As for Mr. Dunscomb, himself, he was fairly surrounded by documents of one sort and another. Two or three of the morning papers, glanced at but not read, lay opened on the floor; on each side of his plate was a brief, or some lease or release; while a copy of the new and much talked of code was in his hand. As we say in our American English, Mr. Dunscomb was "emphatically" a common-law lawyer; and, as our transatlantic brethren would remark in their sometime cockney dialect, he was not at all "agreeable" to this great innovation on 'the perfection of human reason.' He muttered occasionally as he read, and now and then he laid down the book, and seemed to muse. All this, however, was quite lost on Sarah, whose soft blue eyes still rested on the interested countenances of the two young men. At length Jack seized the paper, and wrote a line or two hurriedly, with his pencil.

"There, Mike," he said, in a tone of self-gratulation, "I think *that* will do!"

"It has one merit of a good toast," answered the friend, a little doubtingly; "it is sententious."

"As all toasts ought to be. If we are to have this dinner, and the speeches, and all the usual publications afterwards, I choose that we should appear with some little credit. Pray, sir," raising his eyes to his uncle, and his voice to correspond, "what do you think of it, now?"

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