

the former judgment was reversed, and entered against the plaintiff. The latter remonstrated in vain, stoutly contending that the Judge had already decided the cause in his favor. All was cut short by the Judge declaring, that "*his first decision was only that the plaintiff should win for to lose!*" I am not positive whether it was on this or some other occasion that the Judge further ordered, that the losing party should work three days on his farm, *and the constable pay the costs!* Upon the whole, the administration of justice by the venerable Judge was mild and lenient. No cruel or oppressive punishments were inflicted, and in the whole course of his career it is not alleged that he ever exercised that prerogative of judicial power so abhorrent to the feelings of modern reformers and philanthropists, the infliction of the death penalty.

I will relate one other early judicial decision, which came within my own knowledge. It was made by an old pioneer settler, a Frenchman, who in character and manners was a perfect gentleman, but was better acquainted with the principles of honesty and fair dealing, than with the subtleties and technicalities of the law. Most of you are doubtless aware, that according to the laws of the United States for the government of the land and naval service, it is provided that "no person who has been enlisted as a soldier, shall be liable to arrest or imprisonment for any debt contracted by him during the term of his enlistment." At all military posts, soldiers were in the habit of contracting debts with citizen traders who would give them credit. A large proportion of these debts were lost, for in addition to his inability to pay, the soldier was often aided by his officers in cheating his creditors. There was some excuse for this on the part of the officers, as their men were often found intoxicated in the shops and groceries, and not infrequently sold their clothing and military accoutrements to obtain liquor.\* The officers would, therefore, aid the soldier to

\*Their thirst for rum led them sometimes even to attempt to steal from or plunder the Indians to obtain it. It is stated in the *Detroit Gazette*, Feb. 15, 1822, that not long previously one soldier was killed at Green Bay and another at the same time wounded, by an Indian woman, in order to save her keg of whiskey which they were endeavoring to wrest from her.