

ladies are so monopolized with securing the rigging aloft, that they have no time to attend to what is going on below—whereby men are put into great jeopardy of feet, ankles, &c.

Gentlemen of the Jury, extravagance of dress, especially in the streets, is essentially vulgar. No lady of taste or delicacy will encumber herself in walking, with a quantity of superfluous trumpery, that embarrasses the freedom of her gait, and destroys all grace of motion. Simplicity in dress is not only a refinement, but a virtue. A rage for extravagant ornaments, in time, destroys all distinctions between education and manners, and stupidity and vulgarity, since those who can pass for fashionable elegantes, by the sole aid of the milliner, will dispense with those accomplishments of mind and manners, which, after all, are the only tests of gentility. It rests with you, gentlemen of the jury, to discourage these vulgar and mischievous monstrosities, and to do an act of justice to my injured client.

Mr. Catchall then rose in behalf of the defendant, and made a most powerful appeal to the feelings of the jury.

Gentlemen of the jury, said he, "the age of chivalry is gone!"—a long pause, and the orator resumed. "The age of chivalry is gone, and the glory of Europe is defeated forever!" That in the nineteenth century, a period unequalled in the annals of refinement for taste in dress—for manufacturers of all kinds—for canal and railways—for every species of Eternal Improvement—for the cheapness, beauty and variety of laces, bobbins, bareges, Gros de Naples, French plaids, English razors, Irish gloves, and American muslins—that in such an enlightened and chivalrous period—a gentleman—I say a gentleman, gentlemen—that a gentleman should bring an action against a lady, in any court, except the court of Cupid, is an unequalled barbarian—a barbarian only worthy of those ages of darkness, which—which—

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which—preceded those ages of light—which—which—gentlemen of the jury, I say a most unparalleled barbarism.

Gentlemen of the jury, where is there to be found, in the common law—the civil law—the canon law—the statute law—the Berhon law—the laws of the Medes and Persians—the laws of the land, the ocean, the air, or the moon;—I say where is there any law putting a lady's hat into superscription or confinement? None. I defy the learned gentleman to produce a single case in point.—But, gentlemen of the jury, the law, as in most cases which occur, has nothing to do with the business.—Custom gentlemen, custom is above the law, because it is the foundation of the law.

Now, I maintain that if it were the custom to wear no hats at all, there would be nothing unlawful in my client going without a hat. Now, gentlemen of the jury, if it is lawful to go without a hat, then it follows *a priori*—that is, it goes before in the argument—that she may lawfully wear a hat as high as a church steeple, and as wide as a church door. The very fact of her being permitted to wear no hat, proves that she may wear a hat of any size she pleases.

Gentlemen, the circumstance of the plaintiff not knowing the pedigree of his horse, is decisive against all claim for damages. For aught we know, the horse might have been a wooden horse, a flying horse, a wild horse, or no horse at all. If a wooden horse, his throwing his rider could not have been an act of volition, proceeding from the sight of the hat. If a flying horse, he ought to have been called a Hypogriff—therefore a misnomer in declaration. If a wild horse, action will be against plaintiff for introducing unlawful animals. Holt. cap. 3d. Raymond, and three thousand others. If no horse at all, a nonsuit as a matter of course.

Another important query occurs, gentlemen of the jury. It is stated