

George P. Burnham, "Where Were You Last Night at Twelve?," 1851

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George Pickering Burnham, *Gleanings from the Portfolio of the "Young 'Un": A Series of Humorous Sketches* (Boston: R. B. Fritts & Co., 1849): 113–17. (Please see the disclaimer below regarding the language in this text.)

“WHERE WERE YOU LAST NIGHT AT TWELVE?”

A JUDICIAL SKETCH.

—
NUMBER XXX.
—

THERE was a judicial functionary residing in Boston, some years since, whose legal acumen and profundity only equalled his general force of character otherwise, and who was a man “not to be sneezed at”—at least when he was seated upon the bench of the Police Court, where he presided two or three days in each week. When seen in the act of delivering an opinion, the learned judge was “a picture to behold;” and when he finally got it off, his was an opinion as *was* an opinion, and nothing else.

But the judge was very like other people in one respect—he would eat! And as he wended his way slowly across Tremont row, to dinner, one day, his attention was arrested by the display of sundry “heads of the people,” in Southworth’s daguerreotype showcase. The idea suddenly struck him that his own countenance wasn’t a bad ’un for a picture—and so he found his way up stairs, at once, into the reception-room.

“What’s the price of that size?” he asked of the polite attendant.

“Five dollars, sir.”

“And this?”

“Three dollars.”

“Couldn’t you put me on that size for three?” pointing to the largest plate.

“We have but the regular prices, sir.”

“Yes, I know. But you see I’m one of the judges at the court—p’lice court—and these dog’ratype places are getting to be very numerous in this community.”

“Yes, sir; but a *good* picture”——

“Ah, I und’stand. But you see you can take a copy, put it in the case below—and everybody knows the judges of the p’lice court.”

“Well, sir; as you are a public man, I shall take your picture.”

“Thank ’ee—thank ’ee,” said his honor. “When shall I come in?”

“To-morrow, at eleven, if you please, sir,” responded the attendant, civilly; and the judge departed.

Next day, at half-past ten o’clock, a handcart-man arrived before the door. He looked up, satisfied himself that all was right, and then shouldering a portion of his load, quickly

found his way into the reception-room of the artist, where he dumped his goods upon the floor, without ceremony, and turned to bring up the balance.

"Hello, friend!" said the attendant, "what's all this about?"

"This is Suth'orth's, aint it?"

"Southworth's—yes."

"It's all right, then. Boss'll be here in a few minits. He's a cumin' to have his pictur taken."

"O, the judge?" asked the attendant.

"Yis," replied the carman; and five minutes afterwards the latter decamped, leaving sundry books, papers, inkstands, etc., etc., which he had brought up, agreeably to order.

At twelve o'clock, according to appointment, the learned functionary made his appearance, with the luxury of a clean dickey on, and looking as wise as an owl.

"All ready?" inquired his honor, good-naturedly.

"Yes, sir; be seated," said the operator, who had now made his appearance.

"One moment, Mr. Dog'ratype," remarked the judge,—and an expression altogether indescribable (with pen and ink) pervaded the learned gentleman's phiz. "One moment, sir, if you please. There is much in the character of a pictur; and much depends on what *persition* the setter assooms—in dog'ratypes as well as any other *portraits*."

The artist was convinced, instanter; and if he had entertained the slightest doubt before, all anxiety vanished at once, as the learned judge concluded this sentence. But he was not quite ready, even yet.

"Therefore," continued his honor, "it would n't be of no use to take *me* in the ordinary way. Persition, Mr. Artist, *persition* is everything in these matters."

"You are right, sir."

"To be sure I am; and I want to be taken, you see, with my law-books and things here, in my official persition."

"Exactly," said the enthusiastic artist, entering into the spirit of the thing.

"Yes, there—that's it," continued his honor, raising himself up and assuming a show of ferocity. "Now, do you see, I'll fix myself; and when I say "*take me*," it'll be the time.

You must imagine a witness stan'ing *there*, and me addressin' him, Mr. Artist. Mind, now; and when I put the question to him, look out for the expression. Eh?"

"I understand, sir."

The judge put on an unearthly scowl; his broad bald forehead was filled with a dozen wrinkles; his round face was gathered up from its extremities, until it resembled a huge, well-baked apple; and *then* it was that the fearful interrogatory burst from his lips,

"*Where were you last night at twelve?*"

"Take me now! take me now?" shrieked the judge, as the perspiration rolled down the sides of his face; and Southworth did his best. The cap was placed upon the cylinder, and the deed was accomplished. The judge had been "taken in his official position."

A few minutes after, the operator produced his work. Such a twisted, contorted, baldpated, inexpressible countenance had never been conceived before, in all time!

"What's this, Mister?" exclaimed the judge, confounded.

"It's your picture, sir."

"Completed?"

"Complete, sir."

"It looks like the ghost of a dead nigger," continued his honor, half facetiously and half in chagrin.

“I know it, sir, and beg your pardon; but *it is a most striking likeness of you, in your official position!*” added the artist, quietly.

“How much is it?”

“Three dollars, sir.”

“How much to rub it out?”

“Two dollars.”

“Rub it out, sir—*rub it out!*” exclaimed his honor, indignantly; “here’s the money.”

The judge paid the V, the picture was destroyed, he ordered one to be taken in the natural way, and ever after *that* daguerreotype was finished, his countenance wore a pleasant expression, even when he was most deeply engaged in the perplexing duties of his “official position.”

[End of text.]

EDITOR’S NOTES:

George Pickering Burnham (1814–1902) was an author of tales and several books. He also was an editor for the literary Boston weekly *American Union*.

This fictional tale references the gallery of Southworth and Hawes at 5 1/2 Tremont Row, Boston. Also noteworthy is the tale references both the gallery’s fixed price policy and that no operator was employed other than one of the partners. (Advertisements by Southworth and Hawes specifically mention these two practices.)

The book’s preface states that the sketches previously appeared in *Spirit of the Times* (New York), *Saturday Courier* (Philadelphia), *Flag of our Union* (Boston), *American Union* (Boston), and other well-known journals. The editor would welcome information regarding the first publication of this tale.

This tale also appears in *Pensacola Gazette* 18:39 (20 December 1851): second and third page; *Daily Republican* (Springfield, MA) 9:21 (24 January 1852); *Odd Fellow* (Boston) 14:20 (18 February 1852): 1; *Western Literary Messenger* (Buffalo) 18:1 (March 1852): 42; *Spirit of the Times* (New York) 22:14 (22 May 1852): 159; *Semi-Weekly Eagle* (Brattleboro, VT) 5:89 (21 June 1852): fourth page; *Missouri Courier* (Hannibal) 5:28 (9 December 1852): fourth page.

The judge’s pronouncement, “persition is everything in these matters” is interestingly later echoed in Southworth’s declaration, “expression is everything in a daguerreotype.”¹

1. “S.” (Albert S. Southworth), “Suggestions to Ladies Who Sit for Daguerreotypes,” *Lady’s Almanac for 1854* (Boston: John P. Jewett & Co., 1854): 102–3 (part 1); *Lady’s Almanac for 1855* (Boston: John P. Jewett & Co., 1855): 117–18 (part 2).

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