The Atlas

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THE ATLAS OF THIS DAY CONTAINS:—

LAW FOR THE COLONIES.

Spondet agellus
Non mihi das nunimos nisi pro nil.

Philosophers have differed as to the proper definition of Man. It is not our purpose to display our own erudition, and weary the patience of our readers, by an enumeration of their strange conceits. If the merit of a definition be to apply to every individual of the class, and to that class only, then we would propound with some confidence our own definition as above all exception—that man is a borrowing animal. The quality is peculiar and universal. No animal borrows but man, and every man borrows—if he can. Seeing that it is impossible to eradicate this propensity from the human breast, and that, despite Mr. Foster's emphatic and often repeated declaration that he who goes a borrowing goes a sorrowing, people will still addict themselves to this easy and ready mode of taking unto themselves the property of others, we are bound as practical philosophers to look this propensity in the face, and to seek to direct it to its proper channels. Thus arises the question, On what security ought men to be allowed to borrow? We know but of two—Honor and Property. The worst of all security is, in our opinion, a Bill, which is nothing more than a right to bring an action, and thus circuitously get at that property which ought to have been pledged in the first instance; we therefore highly approve of the Lien on Wool Act, as facilitating pledging, and thus striking a blow at that miserable system of paper credit by which the resources of the country have been so deplorably forestalled. The principle of this Act also found favor with us on another ground. The distinction between real and personal property—unknown to the civil law, and springing out of a state of feudal tenure, almost every vestige of which has long passed away—is one of the most objectionable parts of the English law, seeming to be framed with the object of enabling a man to retain, for the purposes of ostentation and political corruption, the dominion over land, the beneficial ownership of which has long departed never to return, and by indulging the most fantastic and unreasonable caprices in the disposition of land, to bequeath to an unfortunate family the miseries of endless litigation.

This distinction had already been broken down as regards this Colony in two important instances. Land can be sold under a writ of *fieri facias* like chattel property, and judgments have been declared by the Legislature to give no lien upon it. The Act under consideration was a third step, not like the former towards making realty more like personalty, but for the purpose of making personalty more like realty. Our conviction of the soundness of the abstract principle was strengthened when we came to apply it to the circumstances of this Colony. The notion that land is the only *real* security is evidently calculated for the meridian of an agricultural country only. The moment you get into the pastoral state, the predominance of land over other security vanishes. It is valued merely with reference to the stock it will feed, and its value is not primary and in itself, but secondary and dependent upon the value of that stock. This distinction has been impressed by bitter experience upon those who have become large purchasers of land—who have found that *real* property is in New South Wales the most *illusory* of all possessions. We therefore thought it but reasonable that the borrower should be allowed to give the most real security which he possessed, and that security is his stock. Experience has amply justified the soundness of these views. The fact that half a million of money has been advanced on these securities shews clearly that Mr. Wentworth has hit upon the thing which was wanted, and given to the struggling industry of the Colony a most seasonable relief.

We rejoiced at this, because in investing stock with some of the privileges of land, we thought we saw a means of deterring the Colonists from those ruinous land purchases into which the Government is ever seeking to entrap them. We suspect that the Government thought so too. We suspect that in putting stock more upon a level with land, as an investment, it foresaw that the staple commodity of its acre-shop would be depreciated, and that money turned to the use of the Colony which it longed to clutch in its greedy palm and send to England in the shape of an emigration tribute. Stock was getting too like land for the taste of the Executive Land Shark. This must be stopped, and it has been stopped.

In the *Government Gazette* of last Friday were published two extracts from a Dispatch, to which is appended the historic name of Stanley, but which ought, we suspect, if the saddle were put on the right horse, to be signed by a much shorter and less euphonious name. The sportive echo of the Colonial Office rings back with truth and precision the accents syllabled at Government House. Ignorance more gross, principles more unsound, and menaces more unconstitutional never issued even from that House. To be weak is miserable, but it is doubly so when it makes us the sport of a power which we despise while we yield to it. Let us take the statements of this Dispatch in order. It is first stated that the Lien on Wool Act is irreconcilably opposed to the principles of legislation immemorially recognized in England, respecting the alienation or pledging of things movable. What principles are these? In mortgages of personal property there exists, as in mortgages of land, an equity of redemption. Has this been altered? The mortgagee of personal property may sell without foreclosing. Is this innovated upon? The title to things real passes by conveyance, to things personal by delivery. Has this been changed? Which is the immemorial usage which has been broken through? There is none—but that hoary traditionary law, that venerable piece of antiquity (the Insolvent Act), is altered so far as to protect the title of the mortgagee against the assignees of the mortgagor, though he be suffered to remain in possession, and thus to save the futile and ridiculous mummery of delivering possession to the mortgagee, of property which both parties intend should remain in the possession of the mortgagor. It was to guard against that section of the Insolvent Act under which property in the order and disposition of the bankrupt passes to his assignee; and this law, which in this Colony is three and in England only three hundred years old, is treated as immemorial. Truly it is time the office of Counsel to the Colonial Office were revived. We are then told that the enactment tends directly to give unwonted facilities for borrowing money, and increases the evil of excessive credit. From what we have said above, it will appear that we deny both propositions. We maintain that this measure only grants the same facility which is enjoyed in England and every where else—the facility of borrowing on that which is most valuable and yields the surest return. In England this is land, in Australia it is stock. The same principle which protects the lender in the one will protect him in the other. As for excessive credit, the tendency of this measure is to discourage the use of negotiable instruments, and to substitute for it a system of lending on things instead of names. No more fatal blow could be aimed at excessive credit. "The disasters of the Colony will soon pass away," says the Dispatch. Never, we reply, till the inveterate hostility, the gross ignorance, and the intolerable arrogance of the underlings of the Colonial Office shall have passed away; and we confess we do not see in this Despatch the slightest symptom of this millenium. "The law of England," we are next told, regards the transaction authorised by this Act as a conclusive indication of fraud. Nothing can be more untrue. The transaction is always valid and binding between the parties, and is never set aside except in favor of the assignees of an insolvent mortgagor. It would be monstrous, indeed, if it were otherwise. But "it would place society at the mercy of any dishonest borrower!" Scarcely, we think, unless society turns lender, which if it do, we should say with Mr. Bumbal, Society is an ass, and not worth protecting against the effects of its own folly.

So much for Law and Political Economy. Now for Constitutional principles. By the 32nd section of the Constitution Her Majesty is empowered to disallow bills. This is a simple authority, which she may execute or not at her discretion. But to make a threat of the use of this authority—first to constitute a legislature, and then to wrest the forms of the constitution to enslave it—to prostitute the prerogative of the Crown to the purposes of Parliamentary interest—to deal in threats and menaces, repeal the Act or——, I'll veto it unless——, and so on—this, we venture to say, is conduct which would be adopted by no Government under the sun, except the one we live under. Irresistible force may be submitted to, fraud counteracted and exposed; but the union of the two—fraud working under the semblance of a free constitution, and force called in aid of her ignorance and incapacity, are something inexpressibly revolting.

If the propositions of law contained in this Dispatch were submitted to any competent tribunal, they would be discarded with ineffable contempt. We have demolished the premises, but the conclusion remains firm in all the conclusiveness of force, and will remain to blight the hopes and counterwork the struggles of thousands. We trust that the Legislative Council will act with dignity and consistency—that it will not rescind the Act under any threat of consequences, even if they involved its own extinction—but that it will point out in an Address to Her Majesty, that of which the writer of the Dispatch never dreamt, the law and principles upon which this matter depends, and that, having done this, it will await the instalment of ruin which the threatened veto involves, equal to either fortune.

THE COMMISSION OF THE PEACE.

> But it is not as a Juror, only, that the English gentleman is called upon to determine questions of right, and distribute justice to his fellow-subjects; it is principally with this order of men that the Commission of the peace is filled. And here a very ample field is opened for a gentleman to exert his talents, by maintaining good order in his neighbourhood; by punishing the dissolute and idle; by protecting the peaceable and industrious; and, above all, by healing petty differences, and preventing vexatious prosecutions. But, in order to attain these desirable ends, *it is necessary that the magistrate should understand his business;* and have not only the will, but the power also, *(under which must be included the knowledge,)* of administering legal and effectual justice. Else, when he has mistaken his authority, *through passion, through ignorance, or absurdity, he will be the object of contempt from his inferiors, and of censure from those to whom he is accountable for his conduct.*—Blackstone Com. vol. 1, p.p. 8 and 9.

There are two things against which we think it is the duty of every portion of the press, loudly and indignantly, to exclaim. Those are the extending the powers of Justices of the Peace, and the placing in the Commission men utterly unacquainted with the law.

The first of these is an evil of such magnitude, that it has often astonished us to see it daily and hourly spreading, without exciting the slightest alarm, or apprehension. The public, generally, are either too much predisposed to believe, without enquiry, that nothing but the verdict of a Jury can deprive them of their personal rights, or they experience, individually, too few and trivial instances of summary power, to give them any idea of the vast and dangerous authority, which our free Constitution, as *amended* by modern legislation, confides to the hands of Justices of the Peace. Session after session, in this Colony, as well as in the parent country, we see the system of trial by Jury—that great bulwark of our liberties—gradually undermined, without a single arm being raised in its defence. While we are daily boasting of our free and enlightened institutions, and complacently pluming ourselves upon the

extended freedom which we enjoy, as compared even with the bold barons to whom we are indebted for *Magna Charta*, we can yet look on without indignation or surprise, at the enactment by our representatives, of measures to which those barons would have deemed it the greatest degradation to submit. This is an anomaly, for which, we confess we find it most difficult to account. A large share of this culpable indifference, no doubt, arises from the fact of summary powers of adjudication having grown to so enormous an extent, as to render the creation of new ones no longer a novelty. Custom reconciles us to the most daring innovations, and the public have been so long used to see Justices of the Peace, fine and imprison without the intervention of a Jury, that the increasing of the powers of those magistrates never excites the slightest attention. To every lover of Constitutional liberty, this fact must afford matter for the deepest regret. In the days of Blackstone, when Justices of the Peace did not possess one tithe of the authority which they now do, summary jurisdictions were looked upon with considerable apprehension. In many parts of his Commentaries, that great man earnestly and eloquently deprecates the custom, of leaving either liberty or property to any other tribunal, than that of a Jury of the Country. "Every new tribunal," he says, "erected for the decision of facts without the intervention of a Jury, (whether composed of *Justices of the Peace*, Commissioners of the Revenue, Judges of a Court of Conscience, or any other standing Magistrates,) is a step towards establishing aristocracy, the most oppressive of absolute governments." [Com. 3, p. 380.] And in another part of his Commentaries, after eloquently dwelling upon the inestimable advantages of trial by Jury, he concludes by remarking, "that the liberties of England cannot but subsist, so long as this *palladium* remains sacred and inviolate; not only from all open attacks, which none will be so hardy as to make, but also from all secret machinations, which may sap and undermine it; by introducing new and arbitrary methods of trial, *by Justices of the Peace*, Commissioners of the Revenue and Courts of Conscience. And however *convenient* these may appear at first, as doubtless all arbitrary powers, well executed are the most *convenient*, yet let it be again remembered, that delays, and little inconveniences in the forms of justice, are the price that all free nations must pay for their liberty in more substantial matters; that these inroads upon the sacred bulwark of the nation, are fundamentally opposite to the spirit of our Constitution; and that, THOUGH BEGUN IN TRIFLES, THE PRECEDENT MAY GRADUALLY INCREASE AND SPREAD, TO THE UTTER DISUSE OF JURIES IN QUESTIONS OF THE MOST MOMENTOUS CONCERN." [Com 4, p. 350.] That the precedent *has* increased, and spread with a rapidity which perhaps even Blackstone himself did not anticipate, the most casual glance through our Penal Statutes, Colonial as well as Imperial, will easily show.

The first grand innovation upon the trial by Jury, appears to have been the Conventicle Act, passed in the reign of Charles the Second. This Act merely authorises Justices of the Peace, summarily, to fine for a first offence £5 or imprison for three months; and for a second offence to fine £20 or imprison for six months; and yet Bishop Burnett tells us, that this "empowering Justices of the Peace *to convict without Juries*, was thought a great breach on the security of the English Constitution, and a raising the power of Justices to a very arbitrary pitch." [Hist. of his own times p. 140, Ed. 1838.] Neale, the historian of the puritans, also speaking of the same Act, says "This was a terrible scourge over the laity, put into the hands of a single Justice of the Peace, *without the verdict of a Jury*, the oath of the informer being sufficient." [Vol. 3 p. 137, Ed. 1837] Since the year 1663, however, the power of Justices of the Peace to fine in sums of £20 or to imprison for periods of six months, has become much too common to give rise to a remark from any modern historian. In order to let those who are at present unacquainted with such matters, have a faint idea of the summary jurisdictions created, and in existence nearly a century and a half, subsequent to the period of the "Glorious Revolution," we have selected the following very few specimens from our Colonial Statute Book.

The Customs Act 3 Vic. No. 3, creates about fifty different offences, for which persons are liable to be fined summarily by two Justices, in sums ranging from £100 to £500; and in certain cases of seizure, the like number of Justices, may summarily order the defendant to pay treble the value of the goods seized, which treble value in one case actually tried in Sydney amounted to nearly £3000. Six months imprisonment is the consequence,—if the penalty and the costs are not paid.

By the Distillation Act 3 Vic. No. 9, about twenty offences are created, for breaches of which two Justices of the Peace may summarily fine in sums varying from £100 to £500, or in default of payment imprison for twelve months.

The Deserted Wives and Children's Act 4 Vic. No. 5, authorises two Justices to make an order of maintenance, and on non-compliance with such order, *one* Justice of the Peace may summarily direct the defendant TO BE IMPRISONED FOR LIFE—*unless he sooner pays.* This last act we may observe is an improvement upon the English Statute, which only authorises Justices to imprison for *three months*.

The Act 4 Vic No. 4, authorises *one* Justice summarily to fine a person £50 for employing a convict illegally at large.

The Master and Servants' Act 4 Vic. No. 23, authorises two Justices to order a master to pay his servant such wages as they shall find to be due, and on non-payment to commit him to the common gaol for three months.

The Gunpowder Act 5 Vic. No. 11, empowers two Justices in certain cases of seizure of gunpowder, to fine persons £1 for every pound of gunpowder so found, and in default of payment, the defendant may be imprisoned at hard labour in the House of Correction for three months.

It is unnecessary to occupy our space with any more extended enumeration. These acts are taken as will be seen from but a small portion of the statute book, and may be considered a very fair sample of the great body of our Colonial laws. We know not, whether the gentlemen who framed and passed these most disgraceful and arbitrary enactments, ever read Blackstone's Commentaries, but if they did, we can only say, that they ought to be ashamed of themselves, for not having imbibed some portion of the constitutional spirit which those Commentaries breathe. If these ignorant and un-English legislators had thought it worth their while to make the inquiry, they would have found, that the trial by Jury is the vital and fundamental principle of the British Constitution—that it is the grand feature which distinguishes that Constitution, and renders it superior to every other. They would also have found, that in the *Court Leet* and *Sheriffs Tourns*, long before Justices of the Peace were created, the peace was preserved, and divers minute offences against the public good were punished; and that the Common law left no man's liberty or property, in even the most trivial affairs, at the mercy and discretion of a single Magistrate. And having ascertained these things, they would then have seen, that the placing of such monstrous powers as those to which we have above alluded, in the hands of Justices of the Peace, was directly and irreconcilably opposed to the great principles, upon which the noble superstructure of British law is founded. With much more reason might Blackstone, if he had lived in our time, have exclaimed as he has done in his Commentaries, that the institution of summary jurisdictions "has of late been so far extended as, if a check be not timely given, to threaten the disuse of our admirable and truly English trial by Jury. [Com. 4, p. 281.]

We have made the foregoing observations without any reference to the capabilities of the Magistrates, to whom these extravagant powers of fining and imprisoning are given. When we consider, however, that in ninety-nine cases out of every hundred, Justices of the Peace *know absolutely nothing* of the laws which they are called upon to administer, their unconstitutional powers sink, in our estimation, into a grievance of a very secondary character indeed. If it is judged necessary for our good that we should be governed by despotic laws, the least that we might reasonably expect, is, that those laws should be administered by Magistrates who understand them. It is bad enough to deprive us of Juries to declare the *fact*, without giving us Judges unable to declare the *law*. The incompetency of Justices of the Peace seems, however, to have increased in exact proportion to the augmentation of their powers; and the more need that there has been of legally educated Magistrates, the more ignorant have those Magistrates become.

When Justices of the Peace were first appointed, and when they *had no summary powers*, it was expressly directed by Act of Parliament, that there should be a certain portion of Lawyers placed in the Commission of the Peace. The 18 Ed. 3, St. 2. c. 2, directs that "*two or three* of the best reputation in the counties shall be assigned keepers of the peace, by the King's Commission; and at what time need shall be, the same, with other *wise and learned in the law*, shall be assigned by the King's Commission to hear and determine felonies and trespasses, &c." The 34 Ed. 3, c. 1, enacts "that in every county of England shall be assigned for the keeping of the peace, one Lord, and with him three or four more of the most worthy in the county, *with some learned in the law*." The 13 Rich. 2, Stat. 1, c. 7, enacts "that Justices of the Peace shall be made of new, in all the counties of England, of the most sufficient knights, esquires, *and gentlemen of the law* of the said counties."

From these enactments it appears that Justices *learned in the law*, were directed to be named in every commission, although in those days, a Justice of the Peace had no power without the intervention of a Jury. But now that Justices of the Peace have the most extensive summary authority, it seems, that to be learned in anything but the law, constitutes their principal qualification. In this Colony, the commission is filled with persons in every respect unfitted to perform the duties of a Magistrate. Among the number, military officers, youths just escaped from school, and ignorant and vulgar men scarcely able to write their own names, may be found in the most luxuriant profusion. Every respectable gentleman who has a son just arrived at his majority, if he has interest himself at Government House, or can procure interest through any of the hacks, or hangers-on there, forthwith applies to have that son placed in the commission of the peace; which is done, in most instances, as a matter of course. No inquiry is ever thought of being instituted into the legal qualifications of the aspirant for magisterial honours, but if the interest which he possesses is sufficient, he is at once tranformed into an interpreter of the laws. In appointing a Clerk, some slight care is usually taken in seeing that that Clerk is duly qualified; but in creating a Justice of the Peace, the qualification is invariably taken for granted. It may, perhaps, be said that this is the case in England as well as in this Colony—but we deny it. A very large number of the Justices there are Lawyers, and the whole of them are far superior, in point of education and standing, to the Magistrates of New South Wales. But supposing, for the sake of argument, that the English Justices were not, as a body, a whit better qualified than our own, the circumstances in which they are placed are very widely different. In England it is absolutely impossible for a Justice of the Peace to be guilty of any wrong doing, through ignorance or partiality, without his being immediately detected and punished for his misconduct. In every town there is a newspaper of some sort, to watch over the local administration of justice, and if a Magistrate commits the slightest act of illegal tyranny, he does so with the moral certainty staring him in the face, that, in less than forty-eight hours, he will be denounced, *unâ voce*, from the Land's End to John o'Groats, and that, however poor and humble may be his victim, a hundred lawyers will be found, both able and willing, to step forth and drag the oppressor before the legal tribunals of his country. Where the "public opinion" can be thus promptly declared, and where legal satisfaction is of such easy attainment as this, the ignorance, or the partiality, of Magistrates is a matter of very little moment. But in this Colony there is no local press to check the petty tyrants of our remote police offices, nor are there lawyers scattered through the country to call them to account; and besides this, the difficulties of communication are so great that none but wealthy people, can obtain redress for wrongs which they may suffer at the hands of Justices of the Peace.

We have had some little experience of the country Magistrates of New South Wales, and from what we know of them, we are satisfied that in nine cases out of every ten where they proceed summarily, they act contrary to law. And, considering their entire ignorance of legal principles, it cannot possibly be otherwise. But ignorance is not the only fault with which they are chargeable; for, in many instances, they scruple not to pervert their office to purposes of the grossest oppression. In some parts of the interior, they rule with all the authority of Eastern despots—and this they do with impunity, in consequence of the immense obstacles which distance from the metropolis throws in the way of redress. In the present state of affairs, it may indeed be impossible to point out a complete remedy for these enormous grievances; but one thing, at all events, the Government may do, and that is, to appoint none but staid, experienced, and well educated gentlemen to the Commission of the Peace. Though this could not afford any guarantee for legality, it would, at all events, in some respects, secure fairness and impartiality in their decisions.

We cannot finish this article without taking some notice of a rumour which has been recently circulated, to the effect, that our much respected Police Magistrate, Mr. Windeyer, is about to retire, and that it is the intention of the Governor to appoint a young Magistrate *who knows nothing of law*, to succeed him. Should this retirement take place, we trust the Governor will not omit the opportunity, of securing the services of some legal gentleman for the Sydney Bench. In London, the necessity of professional magistrates has been long felt, and now there are in that City no less than twenty-seven Police Magistrates, all of them barristers of upwards of ten years standing. The great benefit which this change has effected is universally admitted; for in addition to the advantage which the inhabitants of the Metropolis derive from it, the unprofessional provincial Magistrates have precedents set them, which they find of the utmost value in the performance of their duties. What has been found of so much benefit in London, could not fail to be equally advantageous here. And when we consider the disgraceful scenes which sometimes take place in the Sydney Police Office, entirely through the ignorance of the Magistrates, we cannot but at once perceive the necessity of a professional Justice being appointed. As it is possible for Sir George Gipps to secure the service of a barrister for this office, it will be a gross breach of duty on his part, if any private consideration should prevent him from doing so, the very first moment that a vacancy places it within his power.

And now, in conclusion, with respect to both the points touched upon in this article, we would, in the language of Blackstone, tell Sir George and the Legislative Council, that "the extensive power of a Justice of the Peace, which, even in the hands of men of honor, is highly formidable will [if it fall into the hands of those who are not gentlemen, but the mere tools of office] be prostituted to mean and scandalous purposes, to the low ends of selfish ambition, avarice, or personal resentment. And from these ill consequences we may collect the prudent foresight of our ancient lawgivers, who suffered neither the property nor the punishment of the subject to be determined by the opinion of any one or two men; and we may also observe the necessity of NOT DEVIATING FROM OUR ANCIENT CONSTITUTION, BY ORDAINING NEW PENALTIES TO BE INFLICTED UPON SUMMARY CONVICTIONS."—COM. vol. 4, p. 282.

THE DESTRUCTION OF THE SQUATOCRACY.

A PROPHECY ABOUT TO BE REALIZED.

The Commissioner 'll come with his wolves to my fold,
And order my stations and sheep to be sold.
For by New Regulations I can't pay the fee,
So my toto must go into Gipps' Treasury.

With their white, silky fleeces, my ewes will be seen
Disporting at eve with their lambs on the green.
Next morning, all dusty, and panting, and hot,
Ewes, wethers, and lambs will be off to the pot.

For the Governor 'll issue his New Regulations,
That all must pay twice, or perhaps thrice for their stations;
And the purse of the Squatter the Treasury must fill,
And his hard earnings come to that Treasury's till.

And the steer will go down to be sold for his hide,
And the tallow his carcase will render beside.
And the Governor's grasp will be down on my purse,
And my stations beheld, I shall find, for the worse.

And there 'll be my wheat, to be reaped by the blacks,
Because I will not pay the Governor's tax.
And the huts will be silent, their occupants gone,
The yards all unswept, and the Squatter undone.

And the Squatters, poor devils, will loudly bewail,
And to rulers like Stanley and Gipps will say, Bael.
And the wealth of Australia—wool, commerce, and ships,
Will be melted like wax, at the breath of a Gipps.

J. L. T.

SIR GEORGE THE ELEPHANT.

"NOT TO BE 'DONE.'—During the late Goose Fair a man went into Wombwell's menagery, where his attention was immediately attracted by the immense size and 'knowing' tricks of the elephant. So pleased indeed was he with the sagacity of the enormous beast that he gave him an apple, and afterwards permitted him to take another out of his coat pocket. Soon after he offered the elephant a third, but contrived to get it out of his reach before he could take it; the animal, however, was not to be thus cheated, for, marking the pocket into which the man had put the fruit, the next time he came within his reach he made a "grab" at the coat lap, and, to the fellows uncomfortable surprise, actually swallowed it, the apple, a silk handkerchief, and some halfpence into the bargain."—*Nottingham Journal.*

WE are afraid that we have been playing very much the same game with the unwieldy power that oppresses us as the Nottinghamshire clown did with the Elephant at Goose Fair. The Squatters gave their Elephant one apple—that is, the assessment on stock. They suffered him to filch another—that is, the license fee. But when he wanted to take a third—the double fee, &c.—they began to think the joke was getting too good, and that the knowing tricks were exhibited at their expense. We are, however, fairly within the creature's reach, only we are afraid that instead of making a grab at our coat tail, the covetous monster will strip us of every rag of clothing, and probably, after all, trample us to death under his unwieldy feet. So much for playing with elephants, and trusting Governors.