

(editor's note: This paper was transcribed from a handwritten cursive copy with various difficulties. For a perfect rendition, the reader might wish to consult the original, itself a copy, in the volume entitled *Literary Club Papers I*, 1885 – 1886 Oct 3, '85 to May 29, '86) The original is very badly faded.

Curiosities From the Tables of Cases

We have occasionally been entertained by some of our friends with selections from remarkable cases which they find in their law-books; and now I propose to give the club something from the same sources; but instead of dealing with the substance of the cases, I shall deal only with their names for in looking over the tables of cases of the reports and test-books, one often comes upon amusing coincidences in the juxtaposition of the names of the parties, plaintiff and defendant.

I have occasionally jotted down the oddly named cases when I came across them, and I have a collection which I think contains some proof of the irony of fate. In the United States Digest, one of the first on the list is Arden v. Arden which sounds like a divorce case brought about by Enoch's unexpected return. Then there is Anty v. Anty, probably an action on a wagering contract. In the case of Bachelor v. Chaperon looks as if some bad blood had been generated by a late supper. Bar v. Sandwich suggests a drunken brawl over a free luncheon, while it is only action for the breach of a municipal ordinance. The case of Barb v. Fish was no doubt one involving a piscary. Barbour v. Pate hints at many things; but it is none of them, being merely an action under the old English election law, deciding that the notice of an objection to a borough vote sent by post need not on its face show the voter's place of abode. Boils v. Stearns suggests to the boating man many a stern reality. Bridge v. Ford no doubt marks one of the steps in the westward march of civilization. Buffaloe v. Whitedeer sounds like a dispute over a favorite salt-lick. Butcher v. Death turns out to be a commonplace action for partition of real estate. Caskey v. Brewer has nothing at all intemperate in it, but on the contrary was a cold water lawsuit about a mill-race.

Coffee v. Milk smacks of Mugby Junction or some such station, and the Judge probably first floored [favored?] one side and then leaned toward the other and finally took the case in disgust and never decided it. For Jefferson v. Washington one would naturally look in the early volumes of Cranch's United States Supreme Court Reports, but instead it is to be found in Meeson v. [&] Welsby's English Reports and is an action which was caused by a licensed victualler's not closing his place at 11 PM according to law. Bellows v. Blowhard must have been a case where counsel for each party

had a fool for a client. *Jordan v. Money* suggests the truth of the parable of the rich man. *Boothby v. Jones* sounds like Fielding, and looks as if the wronged husband of Mrs. B. had made the natural mistake of bringing crim. con. against Tom Jones. *Horne v. Bray* was apparently a contest between a country brass band and a donkey; but really is the case of a human donkey from Indiana who went surety without proper indemnity for a friend who let him out at the small end of the horn. *King v. Hamlet* was a controversy with which Shakespeare had made us all familiar, and the truth of much of what the immortal bard wrote about it is confirmed in this case which we find in 2 Manning & Ryland's English Reports on "Catching bargains" in which the concealment from Hamlet's ancestor of the transaction complained of was by Lord Brougham decided to be an indispensable condition of the equitable relief sought. And later when the case was affirmed by the House of Lords, a still further likeness to the old version of the difficulty was developed in the holding that King could not rescind because he had acted as to make it impossible to restore the former state of things.

Johnson v. Coffee is a case with which the club is very familiar, and which we shall discuss later. One would expect to find *Lebanon v. Hebron* a very old case but it is really of quite recent date. *Littleboy v. Blankman* was certainly an unequal fight. *Mitten v. Smock* is a case calling for little remark because the two are naturally opposed to each other: for he who gets acquainted with the plaintiff, rarely becomes familiar with the defendant. The practice of the law in India must be very dangerous for the jaws of foreign practitioners unaccustomed to such names as the following which are specimens of those found in the India Reports. *Dububdass Pertamberdass v. Rambal Thakoorseydass*, *Inggeewunda Keeka Shap v. Ramdas Brybooken Das*.

No doubt a native could pronounce these names "trippingly on the tongue", but think of an untrained European having to cite many of them. *Kick v. Merry* would seem to be a litigation of a boisterous sort, while it really is a humdrum Missouri case deciding that an officer can not enforce a promise to pay him a reward for doing what he is bound by his duty to do.

Rake's Administration v. Pope we would surely say was an appeal for some of the lost rites of the church in aid of the salvation of an undeserving soul; but is only an Alabama case on the Statute of Frauds and though I have not yet got to the end of my list it would not have this paper come within that statute. I must cut off now.

Editor

Budget

[Charles B] Wilby editor

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