

LEGAL HUMOR AND WIT

A COLLECTION OF HUMOROUS ANECDOTES AND STORIES TOLD BY AND ABOUT MINNESOTA LAWYERS AND JUDGES



History of Rice County by Edward D. Neill, published in 1882 by the Minnesota Historical Company, carried many stories from members of the “Old Settlers’ Association of Rice County.” Among these was the following that appeared on page 276:

Mr. F. W. Fink relates a story as to the late Lieut. John C. Whipple, who was commissioned as a Justice of the Peace in and for Rice county, and in a certain case, the first one he had brought before him, he made a ruling to which exception was taken on account of its being directly in conflict with the law, but the irate justice brought his fist down upon the table and emphatically declared that he did not care a continental whether it was law or not, that he proposed to administer justice. An appeal was taken and sustained, and in disgust he resigned. ■



The following item appeared on page 3 of *The Winona Herald* on Friday, February 28, 1873:

A JOKE ON MARSHALL CLEVELAND

The St. Paul *Dispatch* relates the following little incident which may have a local bearing:

When United States Marshall Cleveland desires particularly to interview a fellow, there are very few men smart enough to keep out of his reach. But John Smith, of Winona County, recently did. The Marshall had a summons to serve on Smith, and calling at his home, asked in his short decisive manner:

“Does Mr. Smith live here?”

“Yes,” was the reply.

“Is he in?”

“No.”

“Where is he?”

“Gone to a funeral.”

“Will he be back soon?”

“Well, no, I guess not; *it’s his own funeral.*”

The Marshall turning to go, met the mourners coming up the road on their way home from the grave. There’s an unserved summons for sale cheap up in Rogers Block. ■



The following item appeared on page 2 of the *St. Anthony Express* on July 26, 1851:

FORMULA for admission of members of the bar under the new Code.

Judge. Can you read in reading young man.

Candidate. Some your honor.

Judge: Clerk, hand him a testament and let him try.

Can. (reads) “Wo unto you also ye lawyers for ye lade men with burdens grievous to be borne and ye your selves touch not the burdens with one of your fingers. Wo unto you lawyers for ye have taken away the key of knowledge and ye hin—”

Judge. Sufficient. What is law in the abstract?

Can. A system of rules for defrauding justice of her dues.

Judge. What is the chief end of lawyers?

Can. To skin their clients.

Judge. What is the first step in the Law?

Can. To the American Saloon.

Judge. What is a presumption in Law.

Can. That lawyers are deficient in honesty.

Judge. What is the chief distinction between Law and Equity?

Can. The former is the instrument by which men are led into a bad scrape, the latter by which they are kept there.

Judge. What are the two principal remedies to be applied for the redress of injuries?

Can. Money and Patience.

Judge. What is the meaning of the phrase “*bona grammatical non vitiate sensum?*”

Can. That the use of good grammar does not prove a lawyer has lost his senses.

Judge. That will do. The Examination will adjourn to the American Saloon, where if the Candidate is in fund he will be admitted to the bar. (*Exeunt omnes.*) ■

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The following story appeared on page 6 of *The Pioneer Press* on Tuesday, February 27, 1877:

Municipal Court, Associate Judge Charles B. Russell on the bench. Man comes in to make complaint against another for the use of indecent and insulting language. It appears that both parties reside in a country town. Clerk tells him this court has no jurisdiction beyond the city limits, in matters covered only by an ordinance. Man asks what he shall do, and is told to appeal to a justice of the peace in the town where he resides; he says there is no justice there. Clerk tells him then he can't bring the man to justice. Granger thinks there should be a way of preventing a blackguard from insulting a man upon his own premises, and asks that he had better to in this case. Associate Judge Russell says: “Go home and lick him like—.” Well, the man says he guesses that would be the best way, and returns to carry out the decree of the court.

Complaint for assault and battery hourly expected. ■

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Early Minnesota newspapers filled their front pages with dispatches and stories from newspapers and journals from the East Coast and Europe. The following appeared on the front page of *The Minnesota Pioneer* on Wednesday, February 27, 1850:

A Lawyer's Trick.—A remarkable instance is remembered in Westminster Hall, of a lawyer acting in the face of the jury, at the critical moment of their beginning to consider their verdict. He had defended a gentleman of rank and fortune against a charge of notorious description. He had performed his part with more than his accustomed zeal and skill. As soon as the judge had summed up, he tied up his papers deliberately, and with a face smiling and

easy, but carefully turned toward the jury, he arose and said, loud enough to be generally heard, that he was engaged to dinner, and in so clear a case a case there was no occasion for him to wait what must be the certain event. He then retired, deliberately bowing to the court. One of the jurors having occasion to leave the court, found that all this confidence and fearlessness had never crossed its threshold—for behind the door stood Sir James Scarlett, trembling with anxiety, his face the color of his brief, and awaiting the result of “the clearest case in the world” in breathless suspense. ■



The following story appears on pages 343-344 of *History of Goodhue County*, published in 1878 by the Wood, Alley & Co., of Red Wing:

“There was a weighty lawyer here in those days, who threw his influence into the temperance scale. Mob law was not the best way in his opinion. There was already a strict prohibitory law. Whisky was contraband as an article of trade. All that was needed to conquer a lasting peace, and gain a complete victory for the temperance cause, was to put this law in force. At that time the county was under the jurisdiction of the United States law as a territory. The prohibitory law extended over all that portion of the territory lately occupied by the Indians. It was therein provided that any officer of the United States Government could destroy all the intoxicating liquors that he could find, brought for sale or otherwise to this forbidden ground.

“This advice was taken, and two barrels of whisky, at least, and several marked vinegar (so reported,) were forced open by the ax, and their contents poured out to mingle with the waters of the Mississippi.

“This was a triumph, but, alas for human laws and lawyers ! our prohibitory law had been repealed by the trickery of a St. Paul lawyer, who had been sent to the territorial legislature. In those days laws were made for special purposes, under other titles than belonged to them. The victory was, after all, on the side of the liquor dealers. They not, only received damages from the friends of temperance, for losses sustained, but thenceforth began to sell openly the intoxicating draught.” ■



The following story, which likely took place in the 1870s, appears on page 238 of *An Illustrated History of the Counties of Rock and Pipestone*,

Minnesota, written by Arthur P. Rose and published in 1911 by the Northern History Publishing Co., of Luverne:

“SYMPATHIZED WITH THE COUNTY”

For years Rock county officials occupied the little, squat building that served for a court house—admitted by all to have been a disgrace to the county. Illustrative of the contempt in which the building was held, the story is told that late one cold winter night a seedy, sad and wayworn wreck of poverty, otherwise known as a tramp, knocked timidly at the outer and only door of the rickety, warped and weather beaten county building. John Kelley admitted him and the tramp asked if he might stay there all night.

“But,” replied Mr. Kelley, “this isn’t a hotel; this is a court house.”

“Well,” said the tramp as he surveyed the bare walls and decrepit furniture of the place, “I’m pretty hard up myself but this county seems worse off than I am.” ■



The following two stories were written by Peter H. Konzen and appeared in the second volume of the *History of The Red River Valley*, published in 1909 by the Herald Printing Co., of Grand Forks and the C. F. Cooper & Co., of Chicago:

At the May, 1883, term an indictment was returned by the grand jury against one Kate Rafferty, an Irish woman of rather more rustic than criminal proclivities, charging her with having made assault upon one, Donald Morrison, with a dangerous weapon, to-wit., a firearm commonly called a pistol, which was then and there loaded with powder and leaden bullets, with intent then and there to do him, the said Donald Morrison, great bodily harm. In order to explain the circumstances of the assault it is necessary to state that Mrs. Rafferty was “holding down a claim,” which she was guarding very jealously, and, on account of her husband being away at work on the railroad in Manitoba, she was suspicious that certain evil-disposed persons were casting covetous eyes upon her claim. On the day in question Morrison, with a companion, was seen walking across the tract which she called her own, in a suspicious manner, as she thought, and seizing the

“dangerous weapon” in question she started in pursuit, and with its gaping muzzle pointed in Morrison’s direction, ordered him peremptorily to vacate the premises. Morrison promptly swore out a warrant against her, and the grand jury returned “a true bill.” Kate appeared in court with the weapon which she claimed to have used. It was an old-fashioned, muzzle-loading horse-pistol, of formidable size, thoroughly rusted, with the nipple completely battered down. It had probably not seen service for twenty-five years or more. W. W. Irwin, of St. Paul, then in the prime his reputation as a criminal lawyer, was retained to defend Mrs. Rafferty. In due time she took the stand in her own behalf, Mr. Irwin drew from his pocket the weapon and handed it to Mrs. Rafferty with the question, “Is this the gun that you had?” Mrs. Rafferty took the weapon and answered in a rich Irish accent, “Yis, your honor, that is it,” at the same time snapping the hammer several times. Judge Stearns, with his brow knit and his eyes flashing fire, cried out in excited voice, “Stop, stop, stop snapping that weapon in here!” By this time Kate realized that the judge was afraid that the weapon might be discharged and, in order to assure him of its absolute safety, cried out, “Oh, your honor, it ain’t loaded,” and pointing it directly at him, snapped it again several times. At this time the court sat in the schoolhouse and the judge’s position was behind the teacher’s desk. Forgetting his dignity, he slipped from his seat and crouched behind the desk, shouting, “Stop, stop, or I’ll have you arrested!” After recovering himself from the floor, with his eyes darting vengeance upon the prisoner, he blurted out, “Woman, if you were a man, I’d have you arrested right now.” The “Tall Pine of the North” regarded this episode with infinite amusement.

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At the general term of court held in March, 1888, the action of Thrane vs. Holmberg came up for trial. Plaintiff had sued for the killing of a dog and claimed damages in the sum of fifty dollars. Attorney P. H. Konzen appeared for the plaintiff and Hon. H. Steenerson, of Crookston, for the defendant. Plaintiff had testified that a certain party had offered him fifty dollars for the dog and which offer plaintiff had refused. This testimony was given for the purpose of fixing the value of the dog, and as the person referred to had left the country, this was about the only corroborative evidence as to the value. Mr. Steenerson began to cross-examine the plaintiff as to the offer and requested him to repeat the conversation he had had with the party, and exact language used by him in making the offer, when the following colloquy ensued:

Mr. Steenerson—"Will you please state the exact language used?"

Mr. Thrane—"Well, we were out hunting together with the dog, and after we got back this party asked me what I would for him, and I told him fifty dollars."

Mr. Steenerson—"Well, did he say that he would pay you that for him?"

Thrane—"No."

Mr. Steenerson—"Well, what did he do when you told him you would take fifty dollars for the dog?"

Mr. Thrane—"Nothing; he went to North Dakota and I have not seen him since."

Mr. Steenerson—"Then let me go over that offer again. As I understand it, he asked you what you would take for the dog, you told him fifty dollars, and then he left the state and went to North Dakota and never came back—is that right?"

Mr. Thrane—"Yes, sir."

Mr. Steenerson—"I don't blame him; I would have done the same thing."

The jury returned a verdict for the plaintiff in the sum of six cents. ■

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The following story about the sheriffs of Chippewa County appears on page 390 of the first volume of *History of Chippewa and Lac qui Parle Counties, Minnesota*, edited by Lycurgus R. Moyer and Ole G. Dale and published in 1916 by the B. F. Bowen Co., of Indianapolis:

"When Mr. Stenerson was sheriff some wholesale house which had a claim against the former sheriff, George J. Crane, got out a writ of attachment and instructed the sheriff to levy on the goods in Mr. Crane's store. Mr. Stenerson showed Mr. Crane the writ and while the sheriff was getting ready

to make the levy, Mr. Crane locked the sheriff in the store and went to a lawyer's office and made an assignment for the benefit of his creditors." ■

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The following stories appeared first on page 693 of *History of Wabasha County*, published in 1884 by the H. H. Hill Company of Chicago. They were reprinted on page 54 of *History of Wabasha County, Minnesota*, edited by Franklyn Curtiss-Wedge, and published by H. C. Cooper, Jr., Co., in 1920:

"Alexis Bailly [the first justice of the peace in Wabasha County] applied for admission to the bar as a qualified attorney, but failed to pass an examination. He was subsequently admitted at St. Paul. Being asked by one of the attorneys of the county how he managed to pass an examination, he replied that he had a bottle of champagne under each arm and two in his pockets, and nary question asked by the committee." ■

* * *

"J. A. Criswell succeeded Alexis Bailly in the administration of law, and was the principal judicial officer of the county, until it was organized for judicial purposes. Although his education was limited, he was an excellent judge of the law, having held the office of justice of the peace in Michigan and Minnesota for over twenty years. Seldom was one of his decisions reversed. He was a man of iron will and strong physical ability, which well fitted him for a frontier justice of the peace. The following incident will illustrate his manner of administering justice. At one time one of the leading physicians was before him, charged with an assault and battery upon one John Murray. During the trial the contestants engaged in a fisticuff, in which the learned justice immediately took a hand, sending each of the combatants to his respective corner. Saying as he did so, 'I fine you twenty dollars each for fighting in my court, and you will pay it before you leave the room, or I will lick hell out of you.' The doctor soon produced the twenty dollars, but Murray could only find ten dollars. Criswell very generously remitted the balance, saying, 'The fine goes to the poor, and I would like to see any one poorer than I am,' as he chinked the money into his pocket." ■

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The following stories appear on pages 118-119 of *Nobles County History* edited by Al Goff and published by the Nobles County Historical Society in 1958:

“A local attorney had a nice home next door to a vacant lot owned by an old character who made a regular junk yard out of his lot.

“The attorney tried to buy the property and, getting nowhere, had other people try to buy it but everything he tried was unsuccessful. He finally had the old man taken before the probate court trying to prove him insane.

“The doctor called by the court asked the old man a lot of questions.

“Finally, the doctor pointed a finger at the attorney and asked the old man if he knew who he was.

“The old man said, “Sure I know him! He is the biggest crook in town!”

“The doctor turned to the judge and said, ‘Turn him loose, he’s not crazy!’ ”

* * *

“In the spring of the year, pickerel and some other fish run way up into shallow waters and spawn. One spring when the water was particularly high the pickerel were in the long grass at the edge of a lake in a low spot in a farmer’s pasture

“They were easy prey and the farmer killed a number of them with a club. He was caught by a game warden who brought the farmer and the fish in to a local justice of the peace.

When asked how he wanted, to plead the farmer said, “Not guilty! The fish were up in my pasture milking my cows, which they had no right to do and I had every right in the world to kill them.”

“The justice of the peace agreed that he had a right to kill the fish as long as they were milking his cows, so would not fine him for killing the fish, but it would be ten dollars plus costs for not giving them a right and proper funeral.” ■



The following three stories appear on pages 211-212 of the first volume of the *History of Dakota and Goodhue Counties, Minnesota*, edited by Franklyn Curtiss-Wedge and published by H. C. Cooper, Jr., & Co., of Chicago, in 1910. The stories are quoted from “another historian’s” writings about the early courts of Dakota county. The identity of that earlier historian is not given.

“In those days, furthermore, the rights of the attorney’s person, were not so carefully protected, as at present, and it was far more dangerous for one attorney to give the lie to another, though couched in the most elegant terms which are sometimes heard in the court-rooms of today. Though their zeal in this respect sometimes seriously interrupted all judicial proceedings, it must be confessed that the old time lawyers had an amazing and highly creditable respect for their reputations for truth and veracity. When this was called in question, it is related, that even at Hastings, the ponderous inkstand was made to supplement nature’s weapons, and the assembled spectators were occasionally treated to rare exhibitions of pugilistic defense. It is further related that one brother in the law, at a justice trial in Hastings, after first sufficiently afflicting his slanderous opponent with stripes, proceeded to wedge him into the narrow window of the court-room in such an indignified manner that he could neither get further in nor out.

“Now it happened that the victorious assailant in this case was prosecuting attorney for the county. He immediately complained of himself, obtained a conviction and was fined five dollars. The money was paid, and no sooner paid than the culprit demanded five dollars for his fee as prosecuting attorney. Whether in accordance with the law and usage of the case or not, the “court” deferentially handed back the five dollars, which the jubilant attorney pocketed, and departed with a lurking drollery in his eye.” ■



“Certain lawyers, shrewd fellows as they were, on becoming fully acquainted with them, would sometimes take cruel advantage of the intellectual weaknesses or the peculiar foibles of the justices, and no doubt the decisions, in more than one justice trial have turned on this issue. Yet, fairness and sense supplied many difficiencies of profundity and education. An inability on the part of the justice to speak or to understand English, has

proven to be a matter of serious moment. For illustration there was the Graham-Ramsey suit of 1854. Mr. Graham wished to obtain possession of Vermillion falls, which Mr. Ramsey considered as his. The case was brought before Hippolite Dupuis, a Frenchman, early prominent in the county, its first treasurer, and who died at Mendota. Major J. J. Noah, later of Washington, D. C., was attorney for Mr. Graham, and John B. Brisbin, Esq., later of St. Paul, was counsel for Mr. Ramsey. The trial proceeded, witnesses were examined, and the time for argument had arrived. Mr. Brisbin was the first to present his case to the “court,” and in an elaborate argument of two hours’ length battled for his client. Facts, logic, wit, energy, force and eloquence were all marshalled in an imposing array, and brought to bear upon the apparently sympathetic justice. Mr. Brisbin always said afterward, that he considered that argument the crowning effort of his life; and that as he sat down, perspiring all over, and filled with hope at the numerous assentations of the court, he had not the remotest doubt but that he was “unchangeably fixed.”

“But alas! even before he has resumed his seat, the court began to address the opposing counsel excitedly in French, and the opposing counsel to reply in the same language. “I object!” said Mr. Brishin, in astonishment. “But,” said he, in later days, when relating the incident, “I absolutely collapsed the next minute, when Major Noah said glumly in explanation, “Excuse me. Mr. Brisbin, no advantage is meant, but as the judge can’t understand a word of English, he was simply asking what you had said.” It is unnecessary to state in whose favor the case was decided.” ■



The following story appears on pages 222-223 of *The History of Goodhue County, Including a Sketch of the Territory and State of Minnesota*, published in 1878 by Wood, Alley & Co., of Red Wing. The story was included in an address to the Old Settlers Association of Goodhue County in Red Wing on June 15, 1869, by Dr. W. W. Sweeney:

**“JUSTICE TO TRUTH AND HISTORY—
A PIONEER JUSTICE AND A PIONEER WEDDING.”**

“In justice to truth and history, I must say something of Wilson Thing, a very eccentric man, a strict vegetarian, a man of strong prejudices, but moral and upright—a good neighbor and an honest man. He was the only justice of

the peace for many miles around, and consequently had a little legal business to perform. Previous to my coming here, (as related by an old settler,) a fair widow of this place had entered into a marriage contract with a gentleman of St. Paul, and the time was fixed for a consummation of the happy event. When time arrived, and the parties to the contract were present, a grand difficulty occurred. Rev. Mr. Hancock, the only one authorized to solemnize marriages, was absent. The bridegroom was impatient and the bride annoyed. Friends suggested a canoe ride to Trenton and the services of ‘Squire Thing’ as the only solution of the evils complained of. *Of course*, under the circumstances, both bride and bridegroom eagerly acceded to the proposition, and in a short time the bridal party was underway for the residence of the justice. They found this worthy representative of the law, as enacted and promulgated by the great state of Wisconsin, busily engaged in the rather feminine occupation of washing a two months’ accumulation of dirty shirts (he being at that time a bachelor,) and he was somewhat embarrassed at the sudden irruption into his sanctum. The bride, however; was plucky, and to relieve the justice, and give him time to make himself presentable and con over the marriage ceremony, she proposed that herself and mother would finish the laundry operations, while he got ready for his part of the proceedings, which was accepted, and in due time both the shirt washing and the marriage ceremony were completed to the satisfaction of all concerned.” ■



The following stories appear on pages 250-251 of *History and Description of Lyon County, Minnesota*, published in 1884 by Messenger Printing House of Marshall. The author of the book was C. F. Case, though this section was written by W. M. Todd:

“EARLY COURTS OF JUSTICE”

“The early history of Marshall presents nothing more amusing than the first judicial proceedings.

“Before the village was organized a certain township justice of the peace issued a summons in a civil process. He took delight in telling of the coming suit and always added that he could not understand why they brought the case before him, for he had heard nothing about it and knew

nothing of the particulars. He did not know that his professional ignorance constituted his sole qualification.

“After the case had been called and the complaint filed, the attorney for the defendant made a motion to dismiss, on the ground that “the complaint did not state facts sufficient to constitute a cause of action.” After a moment’s silence the learned justice assumed an air of judicial dignity and said: “A motion has been made to dismiss; does anyone second the motion?”

“During the years I wore the judicial ermine many amusing incidents happened, some of which will never be forgotten.

“On a certain occasion I performed a marriage ceremony under quite extraordinary circumstances. One day in May I was cleaning up the room, which was used in turn for lumber office, court room, council meeting room, etc. The day was intensely warm and I had removed coat, vest and collar and rolled up my sleeves; my hands were dirty, my hair disheveled, and drops of perspiration were trickling over a dust-begrimed face.

“While in this condition a Norwegian couple appeared upon the scene to be married. It was about eleven o’clock and I told them that I would go to dinner early, clean myself, and be ready for the ceremony about one o’clock. This would not answer at all. They wanted to be married then and there, without delay. I pleaded in vain for a postponement and finally told them in any event I must go home and wash and put on some clean clothes. They would not agree even to that and demanded that the ceremony be performed at once.

“I was hardly able to conceal my displeasure at their unreasonable haste and lack of consideration for my embarrassed appearance, and I jumped up before them and told them to stand up and take hold of hands. Then, turning he woman, I said: “Do you like him?” She coyly answered “yes.” Next addressing the man, I said: “Do you like her?” He blushing said “yes.” “Then go to it.” That was the only ceremony and it occupied less than half a minute. The whole party was actually dazed and somewhat dissatisfied over its brevity and lack of formality.” ■



The following story appears on pages 260-262 of *The History of Faribault County, Minnesota*, published in 1896 by Harrison & Smith Printers, of Minneapolis. The author was J. A. Kiester, an attorney.

“THE GLORIOUS FOURTH.”

This ever memorable day [July 4, 1868] was celebrated at Blue Earth City. The day was fine and the attendance of the people commendable. Geo. B. Kingsley read the Declaration and Capt. P. B. Davy was the orator of the occasion.

There was also a grand celebration of the day at Winnebago City. It was estimated that some 1,500 people were present. Here A. C. Dunn was the reader of the Declaration and Prof. E. P. Bartlett delivered the oration, which was subsequently published in the Homestead.

At the grove of J. Chestnut, in the town of Guthrie, four Sunday schools, and others numbering in all about four hundred people, assembled to do honor to the day, and here the Declaration was read by the Rev. Mr. Foss, and addresses were delivered by Jos. Claggett and J. Gleason. Altogether the demonstrations this year were a fitting recognition of the birthday of the best government the world has yet seen, as the orators of the day usually state, a government which has given the greatest amount of happiness and success to the masses of its people, which has given equal advantages to the rich and poor, exalted labor, made all proper stations in life honorable and the highest stations attainable to all.

The following anecdote, an actual occurrence, may be appropriate right here.

There is a lawyer, yet living, who some years ago was waited upon by a committee from a small village, for the purpose of engaging him to deliver a Fourth of July oration. When they asked him his price, he said he considered \$25.00 cheap enough.

“Mercy on me!” exclaimed the chairman, “but we can’t pay no such price as that! That must be for a regular Henry Clay oration.”

“Well, yes. I think it will compare favorably with anything Henry got off.”

“Oh! but we can’t stand it—we must have a cheaper one.”

“How cheap?”

“Not over \$5.00. We’ll give you \$5.00, your dinner and all the lemonade you can drink for the cheapest oration in your head.”

“I’ll do it!” replied the lawyer, and the money was paid him on the spot.

He was on hand on the glorious day, and by-and-bye the procession moved to the grove, the orator took the stand and was introduced, and without any fooling around he walked to the front and said:

“Fellow countrymen: We whipped England twice and can do it again. We whipped Mexico once and can repeat that sport. We are a free people. This is the glorious Fourth. Give ‘em hail columbia, and go in for a good time. Thanks for your attention.”

He had given them a \$5.00 oration and every person in the crowd, except one, was perfectly satisfied. An old lady followed the orator around she was a Boston woman—until she had cornered him, and then expressed her disgust by saying:

“Seems ter me, that if yer ment to please this ‘ere crowd, you would’nt have chopped off that air speech without a single word about the ‘tea party,’ and Bunker Hill and the Pilgrims. You don’t know nothing.” ■

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