

CHAMP CLARK STORIES

Dispensed From a Storehouse of Humorous Lore.

Pushing Insurance Business to the Limit—Dying Man Received Consolation in Allopathic Doses—Young Advocate Muddled His First Case. A Client's Queer Compliment to His Lawyer—Judge's Theory of Domestic Relations—A Close Shave.

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King Solomon declared that there is nothing new under the sun, but I have run across a few things in my life which appear to run counter to that bit of wisdom. Anything novel is, ex necessitate, interesting. First and last, insurance agents have tried about every experiment that human ingenuity could invent to secure business, but I am inclined to the opinion that here is an entirely new wrinkle in the insurance business.

Offer to Insure a Dying Man.

Hon. William O. Gray, probate judge of Pike county, has a mind set on a hair trigger; likewise his tongue. It goes off with every little pressure, and sometimes his words astonish his hearers beyond measure. He is a scholarly man, an upright judge, an enthusiastic partisan and an unconscious humorist. He is an intense Methodist, and his personal resemblance to Bishop Marvin is remarkable. Whatever he lacks in tact he fully makes up in candor. Among other plans for making money he has operated somewhat as a life insurance agent, which may account for the following anecdote:

While living in Louisiana he had for neighbor and fellow pewholder an old gentleman named Samuel Kem, uncle to ex-Congressman Kem of Nebraska. Old Brother Kem had led a very religious and godly life. A few years ago he became very sick, and just before he died Judge Gray called to see him to cheer him up, and, as the sequel will show, he administered consolation to him in allopathic doses.

"Brother Gray," said Brother Kem in a feeble voice, "I have been reviewing my life, and while I have done the best I could I am fearful that I have been a great sinner. Do you suppose I have any chance to go to heaven?"

Gray replied in his offhand style, "I'll insure you for a quarter—insure you for a quarter, sir." And Brother Kem turned his face to the wall and crossed the dark river with Judge Gray's words of cheerful assurance ringing in his ears.

Judge Krum's First Case.

Of all the lawyers practicing at the St. Louis bar Judge Chester H. Krum is one of the most scholarly and most brilliant. He gives the following racy account of his first lawsuit:

"Admitted to the bar in 1864, I began practice in 1865 after having been graduated from the Harvard Law school. My first case arose upon a shipment of eggs in August from Chicago to St. Louis. The amount involved was \$87. The consignor claimed that the eggs had been shipped in good order after having been duly candled. The consignee claimed that all the embryonic fowl contained in the shells needed in order to make them grow like chancleers were spurs and feathers. My client was the consignor. The consignee suggested arbitration. Knowing less of the intricacies of hen fruit than of contingent remainders, I advised my client to acquiesce. Alas for the rarity of Christian charity for the Chicagoese on the part of St. Louisians, the arbitrators found that the eggs were addled, although the shipper was doubtless an

egg-sellant man. Hinc ille lacrima. I sent in a bill for \$15. It was paid, but the castles in air which I had builded in imaginative following in the footsteps of Mansfield, Marshall, Webster and Erskine were rudely shaken to their depths when my client testified to his high appreciation of my distinguished services by writing me:

"Young man, I send you your \$15 and anxiously await the opportunity to take them out of your hide."

Difficulties in Getting Divorces.

There is no other class of cases in which the nisi prius judge has such wide discretion as divorce cases. There is no other in which his ideas of life has such controlling influence. There is none in which an appeal is of such little value. The dragnet clause of our statute which authorizes a divorce by reason of "acts calculated to render one's condition intolerable" has as many constructions as there are trial judges. The decision depends entirely on the particular judge's theory of the domestic relations.

Getting a divorce in the Pike judicial circuit used to be as easy as falling off a log, and a slippery log at that, but with Judge Reuben F. Roy's advent upon the woosack the prospect was changed for those weary of the matrimonial yoke.

Judge Roy is a model husband, father and Christian gentleman; has a well defined opinion that when two people stand up and solemnly promise before high heaven "to take each other for better or for worse till death do us two part" they should be compelled to stick to their bargain. Moreover, he took his first lessons in the law out of Judge Theodore Brace's book, and that eminent jurist and splendid gentleman is nearly as much opposed to divorces as is an orthodox Catholic.

No matter how Judge Roy came by his theories, it is a hazardous venture to apply for a divorce in his court. Ordinarily he is the most urbane of men, but his anger rises perceptibly when he reaches the divorce docket. Then the lawyers must walk as skillfully as though treading on eggs or hot plowshares. The slightest bobble, and they, with their clients, are flung into midair.

A Lawyer's Mistake.

Not long since Judge Dempsey and myself instituted a divorce suit for a female client. Captain Morrow and Governor Ball represented the defendant. Really the only thing in controversy was the amount of the alimony, for I never saw a pair who hated each other more intensely. They were fairly aching for a separation. Finally, after many conferences and a great deal of worry, Morrow and I agreed on the alimony. As there was a long case on trial ahead of us and as between us we had a whole township subpoenaed as witnesses, as a consequence of which our case was costing somebody about \$100 a day while waiting our turn, I suggested to Morrow to ask the judge to suspend the case on trial a moment to secure his consent to try our case after supper and to announce that our witnesses as to the question of alimony might claim their attendance and go home. Captain Morrow, who was a decidedly brilliant lawyer, was a little woolgathering that day and had forgotten Judge Roy's aversion to divorces. So in making the request he came near knocking the fat into the fire and getting both himself and me out of court at once. He made the request as agreed on and then added, "Your honor, I make this request, as Mr. Clark and I can show you that both plaintiff and defendant have ample cause for divorce." All the lawyers in the courtroom began to grin, while Judge Roy's face flushed to the roots of his hair as he rather tartly said, "Captain Morrow, if that's true you can all go home, for neither will get a divorce here," and then the lawyers roared. I mollified the court by saying: "Oh, Morrow doesn't know what he's talking about. His client has no case, but mine has a good one."

That night the judge granted the divorce after hearing a good deal of conclusive evidence and with great reluctance.

Law a Jealous Mistress.

Some ancient phrasemaker said, "The law is a jealous mistress," a truth which many aspiring disciples of Blackstone have learned to their advantage and which a great many more have neglected to their undoing. Lord Eldon gave this recipe for the making of a great lawyer, "Live like a hermit and work like a horse."

If Jefferson Davis Hostetter, one of the brightest of Pike's third generation of lawyers, holds for naught the first half of the lord chancellor's advice and refuses to live like a hermit, he faithfully acts upon the latter half and works like a horse.

Each evening politics, he woos his jealous mistress with the ardor of a Romeo, and he succeeds admirably. Thomas Jefferson once declared that "eternal vigilance is the price of liberty." Hostetter evidently believes it is also the price of success at the bar.

When a chubby boy at Sunday school, he must have thoroughly assimilated the philosophy of the quatrain:

Little drops of water,
Little grains of sand,
Make the boundless ocean
And the boundless land,

for he looks after the little things in his profession as well as the big ones. That "a miss is as good as a mile" is fully illustrated in the following case:



CECIL RHODES, THE SOUTH AFRICAN COLOSSUS.

When the history of Africa's development is written Cecil Rhodes' name will be conspicuous. He was largely instrumental in breaking the power of the savage tribes and in placing the British flag over Bechuanaland and other immense tracts. He developed the diamond mines of Kimberley, organized the Jameson raid and was a potent factor in shaping through Joseph Chamberlain the British policy that forced the Boer republics to take up arms.

Fine Points of Law.

Hostetter brought suit for Reynolds and Rodgers on account for medical services for about \$60 against one Henry Robinson before Squire William H. Campbell, who was justice of the peace at Bowling Green for forty odd years. The account was a continuous one, but had been permitted to run a long time, and all the items except one of \$2.40 were more than five years old, hence barred by the statute of limitations, if pleaded. Eight days after suit was filed defendant tendered to and deposited in the hands of the constable the \$2.40 and costs up to that time as being all that he owed, the object being to cause all costs subsequently made to be taxed against the plaintiffs in the event they failed to recover more than the conceded item of \$2.40. The justice failed to recognize the legality of defendant's plea of the statute of limitations and rendered judgment for plaintiffs for the full amount sued for and costs.

Won by a Close Shave.

Defendant appealed, and on a trial anew in the circuit court before Judge E. M. Hughes it was decided that all the items were barred except the \$2.40 item, and judgment was rendered for plaintiff for only \$2.40, with 6 per cent interest from date of institution of suit. Thereupon defendant filed his motion to have all costs which had accrued subsequent to his tender taxed against plaintiffs, which was then \$18 or \$20.

This motion was resisted by Hostetter on the ground that defendant did not tender and pay all he owed; that he owed \$2.40 on the day the suit was brought, and plaintiffs were entitled to interest on the \$2.40 from that date, and that defendant, to make his tender effective, should have included in the tender of the \$2.40 the interest for the eight days which elapsed between the date of the institution of the suit and the date the tender was made. This interest amounted to a little over 8 mills. The judge, while admitting that the point was purely technical, decided it well taken and overruled the motion and taxed all costs against the defendant.

I have always believed that Hostetter won that victory by the closest shave in the annals of jurisprudence, and his experience should impress upon practitioners the value of looking after even the smallest things connected with a case.

It may be stated as an axiom that nothing is unimportant in a lawsuit.

CHAMP CLARK.

How a Piegan Squaw Saved Her Husband

Dry Limb, a one armed Piegan Indian, had an exciting time at the Old Agency, Montana, last ration day. Dry Limb is inclined to be boastful when his squaw, Abbie Skunkcap, is present, but has little to say if she be within earshot. She is a giant in strength and boss of the tepee.

Last ration day Dry Limb decided to try his hand at killing steers in the corral. Abbie Skunkcap did not favor the idea, saying he was a coward and would be killed. When the day came, however, Dry Limb was ready.

The sun was getting low when the boss farmer beckoned to Dry Limb as a signal that the time had come for him to show his valor. Dry Limb, looking fearfully in his wife's direction, slipped into the pen and was given the spear to thrust into the steer's neck. The men who skinned the beef stood on a platform with knives ready. The steer came through the gate from the corral with a rush. Dry Limb made a lunge at him. The sharp point of the spear pierced the fleshy part of his neck, driving him mad with rage, but doing him little injury. The boss farmer and the Indians cried out in alarm as the steer made a dash for Dry Limb. The in-

dian tried to climb on the platform, but the steer was too quick for him. It came at him with lowered head. Dry Limb's copper colored skin grew green with terror.

The steer's broad horns passed on either side of the little Indian and pinned him to the wall. Only his slowness and the unusual spread of the steer's horns saved him from a quick journey to the happy hunting grounds.

The women, peering through the cracks, shrieked. Abbie Skunkcap left the head she was skinning to rush to see the excitement. One glance showed her Dry Limb's terrified face above



ABBIE GRASPED DRY LIMB BY THE SHIRT.

the head and horns of the mad steer. The men were kicking and jabbing the steer viciously, but he stuck to his victim.

Abbie climbed the corral fence and dashed into the slaughter house. She leaped upon the platform. Stooping, she grabbed the collar of Dry Limb's flannel shirt. With her great strength she ripped him through the long horns that pinned him and landed him upon the platform. He lay huddled at her feet, his teeth chattering and his hand shivering. He was a grand study for a Remington sketch of "The Noble Red Man."

"Ugh!" grunted the squaw. She stooped and boxed his ears vigorously. "What did I tell you!" she cried shrilly, for a squaw is a woman.

Cobaea scandens is a pretty thing for a bay window. It is a very rapid grower, and a good specimen will soon fill up all the space. Its flowers are purple, shading to green, large and bell shaped. Give it a large pot or box to grow in and plenty of water if fully exposed to the light.

For darning table linen and fine towels the flax that is to be obtained in skeins in the art embroidery shops is to be preferred to darning cotton or the finer French embroidery cotton.

When wearing gold bracelets in the street, put the small chain around the top button of your glove before fastening it.

Women in some parts of England are accomplished rowers, and one held a sculling championship to the age of sixty.



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VAN ORSDALL & ROSS

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