

## FLOTSAM AND JETSAM.

you will recognise its fitness as a pendant to the "Dred Scott" suit.

When I was a boy there was a celebrated legal case, which was to cause the wonder and the horror of the age. It was then known as the famous Bull and Boat case, or, to give its legal title, *Bullum v. Boatum*. The facts are these: In the quiet village of Laydown lived Wm. Jones and Thomas Smith. Jones was the owner of a fragile boat, and Smith was the proprietor of a raging bull. One evening Jones, who had been visiting the girl on the other side of the river, tied up his boat to the shore with a hay band, rope being scarce—that is to say, with a band made of hay. An hour afterward S. Smith's bull came to the river to drink. He, I mean the bull, was frisking his tail in the breeze, with a sort of "does-any-fellow-want-a-horn" sort of an air, and anxious, unlike Mr. Micawber, to turn something up. He suddenly smelt hay, and following his nose he discovered the boat and the hayband.

As a matter of course he tasted this new kind of rope, and he found the ends so succulent that he commenced to eat the coils around the post; and, in order to do this thing thoroughly, he stepped on board the boat. As he bit, nibbled, pulled and chawed, the rope broke, and the next moment the tide (which waits for no man, much less for a bull) carried the boat and the bull into the centre of the river. The bull no sooner felt that his "bark was on the waves" than he tried to kick the boat back again into its place; and, as he plunged away, fore and aft, his hind legs went through the bottom, the boat turned upside down, and, not being able to swim with his legs in the air, he was drowned. In the elegant language of the daily press, he—I mean the bull—"ascended the golden stairs" with a broken boat wrapped around his loins.

Boat and bull were afterward found lying dead in each other's arms—or legs. Then came the suit. Jones sued Smith for the value of the boat, and Smith sued Jones for the worth of the bull. This is the great case of *Bullum v. Boatum*. It was argued fifteen times before a full bench; that is to say, each occupant of the bench was full.

First came the argument for the bull:

"The bull," roared his counsel, "was strictly within his rights. He was exercising his legs in the evening. Hay was his natural food. The right to eat hay was given by Magna Charta. He was suddenly tempted by a delicious hayband, and he did not resist. It was not in the nature or constitution of a bull to resist temptation. He ate that hayband—and in order to eat the whole of it he got into the boat. It was perfectly plain that if the boat had not been there, my client could not and would not have stepped aboard; and then this noble specimen of energy and push could not have

perished"—and so on, and so on, for five days in succession.

Then up rose the great admiralty lawyer on behalf of the boat:

"The bull was palpably in the wrong. Why? The bull went to the boat; the boat did not come to the bull. 'My client' was gently and peaceably floating on the tide of the watery events when this red-headed rake of a bull ate up the anchor and hawser, tore it from its fastenings, jumped in, had a ride for nothing, kicked the bottom out, and died in an attempt to swim with his horns and tail. If ever there was a case of piracy and burglary combined, this was the one, and the bull was the culprit. Look at the natural consequences. The body of that bull floated into the millrace, broke a wheel of the mill; the miller lost his life in trying to pull it out by the tail, and his wife ran away with the constable by way of consolation, and—and—"

Here the chief justice suddenly woke up and said: "I have had enough of this. Take your decree, Brother Bullum. It is the most infamous case of wilful and malicious negligence on the part of the boat that I have ever come across in my professional career. Think of it. A boat tied with a hayband to the shore. Can human turpitude and moral delinquency go further? The bull was within his constitutional rights. He has a natural, inalienable lien upon all hay. The vicious nature of hay is well known. There was a case in the 49,000th report of Ohio Riddles, where a load of hay fell upon a mule and killed him, or her, or it. Bulls, why bulls are sacred animals, known and mentioned in Holy Writ. Popes keep them to this very day in the Vatican. Nearly all bulls are endowed with horns as a sign of martial honours. The statue of Michael Angelo, by Moses, had horns like a bull. I saw them myself. The bull was no sailor, and the boat knew it; and, what is more infamous still, took advantage of his ignorance of navigation, and drowned him with his feet in the air. I feel like giving heavy, yes, punitive damages in this case, as a warning to boats to keep away from bulls."

There is a judgment that is a judgment. This is a case which every lawyer ought to know by heart; it is an inexhaustible mine of legal lore. I regret to add that the Judge died soon after the decision, and that he is still dead.

However, the principle of this case still lives, and those who are without principles can come here and fill up their heads from the once world-renowned case of *Bullum v. Boatum*.

We give this as we find it in several exchanges. At the same time we are under the impression that we saw this amusing skit many years ago.—Ed.

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