

TAYLOR &amp; TAYLOR,

ATTORNEYS AND COUNSELLORS AT LAW,

COLUMBUS, O., June 22<sup>nd</sup> 1889

James K Patterson

My dear Sir

On my return home yesterday I mailed you some briefs which may interest you as the questions discussed are out of the usual line and are of more than local importance.

The case of Banks vs Manchester was decided against me without any very satisfactory reasons being given. It is reported in 128 W. S. Repats page 244. The decision was based upon the ground that <sup>or</sup> the question was one of public policy and there has always been a judicial consensus from the time of the decision in the case of Wheaton vs Peters that no copy right could be the

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statutes passed by Congress be secured in the products of the labor done by judicial officers in the discharge of their judicial duties". The case of Wheaton vs Peters is referred to in the brief. It does not decide the question in this case but the Court says that from that time there has been a judicial consensus on the subject. This is not very satisfactory as in the absence of a decision, it is difficult to know what judicial consensus may obtain. As the weight of authority is with us on the subject we were not quite satisfied to have them set aside by a "consensus".

The Myers case is one of great public interest. There is a strong substratum

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of politics in it. In fact it is a political case and the judge is a strong partisan and not a little vindictive. There was much truth in the article and the judge would not dare go to trial before a jury in an action for criminal libel.

The Supreme Court reversed the lower Court on the proposition that the judge had in rendering the decision taken judicial notice of matters which were not in evidence and concerning which he could not take judicial notice. The Court sustained my proposition stated on pages 4, 5 & 6 of brief.

There is a strong disposition in judges to avoid doing anything which may look like upholding the power of summary punishment on the part of courts.

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The Osborn brief discusses what is known in law as the equitable doctrine of election.

Some of these briefs may serve as a diversion at some odd hour

Since our meeting at Oxford I have been thinking more of times long past than at any time in my life. It had been years since I had seen any one whose association recalled those far away years. But meeting with you my memory received an unusual awakening and a strong turn backward in which direction the current of my thoughts have since constantly tended

I am greatly gratified to have

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with you and to renew in riper years  
a friendship of so long ago.

I shall certainly hope and  
endeavor to see you oftener in the  
future. You will pardon me for  
saying that no student at Hanover  
left so strong an impression upon  
my mind as you self, and I am  
greatly gratified at your splendid  
success in your chosen line of  
life and action.

I want you to come and see me  
and mine. As you are more  
likely to travel this way than I am  
in your direction I want you to  
keep my location in mind and  
possibly you may be able in the near  
future to honor me with a visit

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if only a short one.

If I shall journey your way I  
certainly will see you if possible

Hoping that you are well  
I remain your friend

E L Taylor

TAYLOR &amp; TAYLOR,

ATTORNEYS AND COUNSELLORS AT LAW,

COLUMBUS, O., June 30 1889

James K Patterson Ph D

My dear Sir

Your two very kind letters came duly to hand as did also your argument in chief and in reply. I had written you before these had been received and had sent you some briefs. I have since sent you my reply in the Banks Case.

I have delayed acknowledging your letters and arguments until I could read the latter. My time has been so taken up that it was not until today that I finished your opening argument.

After a more than usually careful reading I am pleased

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to say that it is a great credit to yourself and the cause you were advocating. The argument is most amply stated and in a style far superior to that which we usually meet with even in the most elaborate briefs. I often think - and your argument has impressed more strongly upon me - that the use of the language of the law dwarfs and narrows the vocabulary and style of the lawyer. We fall into an exact but dull and heavy style of expression of "said" and "aforesaid" and our briefs are of no value except for the argument they may contain. It is only on odd occasions that



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an attorney is called on to write anything which admits of much latitude of expression. It is different somewhat in oral argument, but oral arguments are usually made with but little previous care as to the form of expression. I scarcely know what part or parts of your argument to admire most. But your observations on pages 5-6-7 and 8 are as I deem it correct in their philosophy, and very finely stated. That institutions of learning have come to be successful ~~some~~ what in proportion to their emancipation from ecclesiastical control is I believe true and I am glad you had the courage to say so.

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The argument from page 23 on to the end especially pleased me and has had two readings. A part of the reply has been read but it will be some days before I can get time to do it justice.

I have fully determined to embrace the first chance I may have of coming to see you. I want you to tell me more about yourself <sup>than</sup> the circumstances of our last meeting permitted. Hoping it will be no long time until we shall meet again, and that I may in the mean time hear from you.

I am your friend  
E L Taylor

TAYLOR &amp; TAYLOR,

ATTORNEYS AND COUNSELLORS AT LAW,

COLUMBUS, O.,

July 6<sup>th</sup>

1889

James K. Patterson Ph.D.

My dear friend

The Annual Register of your State College was duly received and has had a somewhat careful turning over. I am gratified to see that you present a splendid course of study. This book more than what you have told me indicates that your Institution is in a prosperous condition.

At the risk of making you cross I send a brief which I prepared some four years ago in which a variety of questions are discussed.

The case attracted considerable

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attention as the integrity of the Judge in the trial court was and long had been an open question, and throughout the District Court and Supreme Court we gave him very sharp treatment much to the delight of the bar and the public. I presented the substance of this brief to the District Court in oral argument and that Court reversed him on 13 grounds, and said there were many more. The case was settled while pending in the Supreme Court and so was not orally argued there.

I have looked through Wordsworth for the lines you quoted but did not find them. Sincerely your friend  
E L Taylor

## TAYLOR &amp; TAYLOR,

ATTORNEYS AND COUNSELLORS AT LAW,

COLUMBUS, O., Nov 24 1889

My Dear Friend

Your letter of the 19<sup>th</sup> and the package came the same day. I have for more than a week been engaged in a sensational divorce case. The people stand high in the part of the County in which they live and the whole neighborhood has been in attendance. This has kept me from sooner acknowledging your letter.

On the night after the package came I had it opened and placed in my room and about 11 P.M. when I went home from the office, I opened over

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the cork. poured a libation  
and meditating on past  
memories which our long acquain-  
tance suggested <sup>I drank</sup> and as I did  
so I am sure I breathed as  
sincere a sentiment of friend-  
ship as ever my heart enter-  
tained.

I am glad to learn of your  
safe return home. The trip  
must have been of considerable  
interest to you. and not an  
unpleasant one.

I expect to go to Chicago and  
Milwaukee tomorrow. but may  
not do so. My son Harry is  
today in Pittsburg and will be  
here tomorrow. and then I will

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Know what I will do.

I have a very important case to try at Milwaukee very soon probably this week

Of late I have difficulty in writing my hand being wretched. Other wise I am very well,

If you print a report of your trip dont fail to send me one

Your sincere friend

E. L. Taylor

TAYLOR &amp; TAYLOR,

ATTORNEYS AND COUNSELLORS AT LAW,

COLUMBUS, O., Dec 2 1889

My dear friend

Yours of the 30<sup>th</sup> of Nov  
was duly received.

It is possible I may go to  
Cincinnati Wednesday P.M. to  
discharge a kind of social  
obligation and at the same  
time transact a little business,  
but I will have to be here on  
Thursday P.M. and so am  
quite uncertain about going.  
I have in mind to get time  
for a few hours with you on  
some of my Cincinnati  
trips and will keep it in  
mind until I have realized  
that pleasure



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I was not surprised, or in the least disappointed at the result of the election. It was a good lesson to aspiring politicians in this, and the result in Iowa taken with it is or was a kind of general lesson to public men.

There was a secret deal between Foraker and Lamson (candidate for Gen. Gov) and both were scratched for it. Lamson has 22 plurality in the whole state on a vote of over 800,000

There will be a contest and he will be put out which will be a political mistake.

Our friend Brice is as it now

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appears the leading candidate  
for W.S. Senator. He is a personal  
friend of mine but I must say  
that I can see no reason why he  
should be W.S. Senator, all the  
other candidates are against  
him and may defeat him  
but it is doubtful. He is thought  
by the party managers to have  
ample means. and is known  
to be liberal with it. and this  
will tell mightily in his favor  
if elected he will cut an odd  
figure in the Senate, having no  
knowledge whatever of public  
questions or public affairs

Sincerely your friend  
E. L. Taylor

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P.S.

I want you to give me the business address of your friend from whom you ordered the package. I want our club to write to him on business. I am greatly pleased with the quality of the whisky, and have spoken of it at the club.

We have had difficulty in procuring at all times just what we want. Your friend may assist us

J.