

# EXTREME ALMANACS AND TRANSIENT JUSTICES

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This installement of “Opening Remarks” is another exercise in converting one of our “Single Sheet Classic” maps into a short article, with some additions, subtractions, and other adjustments to fit this medium. (We’ve done it twice before.<sup>1</sup>)

We have here two pages of Edward Waite’s *The Washington Directory, and Congressional, and Executive Register, for 1850*, thanks to Cattleya Concepcion and the Georgetown University Law Library. And we have a map that accompanied Waite’s *Washington Directory*, thanks to the Library of Congress. When studied with *The Perpetual Almanack; Or, Gentleman Soldier’s Prayer Book*<sup>2</sup> (also reproduced here), they prompt a couple of questions.

First question: what counts as an almanac? Almanacs are to the literary world what dogs are to the animal world: their diversity — of size, shape, function, personality, and so on — is extraordinary. Consider, for example, the old almanacs reprinted in the 2019 *Green Bag Almanac & Reader*. They are drawn from an exceedingly narrow slice of the almanac spectrum, and yet even they vary wildly. Or, to narrow the field even more severely, consider two almanacs, both one-pagers printed within a few years of each other in the first half of the nineteenth century, and both reproduced here.

Turn this page and you will find, on the left, the one-page almanac from Waite’s *Washington Directory* and, on the right, the *Perpetual Almanack*.

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<sup>1</sup> See *Evarts Act Day: The Birth of the U.S. Circuit Courts of Appeals*, 6 J.L.: PERIODICAL LABORATORY OF LEG. SCHOLARSHIP 251 (2016); *Supreme Court Practice 1900: A Study of Turn-of-the-Century Appellate Procedure*, 7 J.L.: PERIODICAL LABORATORY OF LEG. SCHOLARSHIP (2 J. IN-CHAMBERS PRAC.) 33 (2017).

<sup>2</sup> Originally published in the 1830s, perhaps 1837 or 1838.

SYNOPTICAL ALMANAC.

1850.	SUNDAY.	MONDAY.	TUESDAY.	WEDNESDAY.	THURSDAY.	FRIDAY.	SATURDAY.	1850.	SUNDAY.	MONDAY.	TUESDAY.	WEDNESDAY.	THURSDAY.	FRIDAY.	SATURDAY.
<b>January</b> .....	6	7	8	9	10	11	12	<b>July</b> .....	7	8	9	10	11	12	13
	13	14	15	16	17	18	19		14	15	16	17	18	19	20
	20	21	22	23	24	25	26		21	22	23	24	25	26	27
	27	28	29	30	31				28	29	30	31			
<b>February</b> .....						1	2	<b>August</b> .....					1	2	3
	3	4	5	6	7	8	9		4	5	6	7	8	9	10
	10	11	12	13	14	15	16		11	12	13	14	15	16	17
	17	18	19	20	21	22	23		18	19	20	21	22	23	24
	24	25	26	27	28				25	26	27	28	29	30	31
<b>March</b> .....						1	2	<b>September</b> .	1	2	3	4	5	6	7
	3	4	5	6	7	8	9		8	9	10	11	12	13	14
	10	11	12	13	14	15	16		15	16	17	18	19	20	21
	17	18	19	20	21	22	23		22	23	24	25	26	27	28
	24	25	26	27	28	29	30		29	30					
	31							<b>October</b> .....			1	2	3	4	5
<b>April</b> .....		1	2	3	4	5	6		6	7	8	9	10	11	12
	7	8	9	10	11	12	13		13	14	15	16	17	18	19
	14	15	16	17	18	19	20		20	21	22	23	24	25	26
	21	22	23	24	25	26	27		27	28	29	30	31		
	28	29	30					<b>November</b> .....						1	2
<b>May</b> .....				1	2	3	4		3	4	5	6	7	8	9
	5	6	7	8	9	10	11		10	11	12	13	14	15	16
	12	13	14	15	16	17	18		17	18	19	20	21	22	23
	19	20	21	22	23	24	25		24	25	26	27	28	29	30
	26	27	28	29	30	31									
<b>June</b> .....						1		<b>December</b> .	1	2	3	4	5	6	7
	2	3	4	5	6	7	8		8	9	10	11	12	13	14
	9	10	11	12	13	14	15		15	16	17	18	19	20	21
	16	17	18	19	20	21	22		22	23	24	25	26	27	28
	23	24	25	26	27	28	29		29	30	31				
	30														

BOOK AND FANCY JOB PRINTING

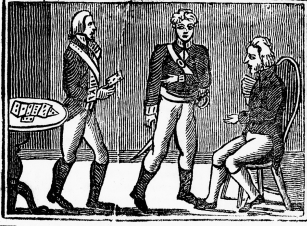

Neatly executed at ALEXANDER'S Printing Office, F street, near the Navy Department.

THE

# Perpetual Almanack;

*Or, Gentleman Soldier's Prayer Book :*

Showing how one RICHARD MIDDLETON was taken before the Mayor of the City he was in, for using Cards in Church during Divine Service: being a droll, merry, and humorous Account of an odd affair that happened to a Private Soldier, in the 60th Regiment of Foot.

**T**HE serjeant commanded his party to the church, and when the parson had ended his prayer; he took his text; and all of them that had a Bible, pulled it out to find the text, but this soldier had neither Bible, Almanack, nor Common Prayer Book, but he put his hand in his pocket and pulled out a pack of Cards, and spread them before him as he sat, and while the parson was preaching he first kept looking at one card and then at another. The Serjeant of the company saw him, and said, Richard, put up your cards; for this is no place for them—Never mind that, said the soldier, for you have no business with me here.

When the parson had ended his sermon, and all was over, the soldiers repaired to the church-yard and the commanding officer gave the word of command to fall in, which they did. The serjeant of the city came and took the man prisoner.—Man, you are my prisoner, said he. Sir, said the soldier, what have I done that I am your prisoner?—You have play'd a game of cards in the church. No, said the soldier, I have not play'd a game, for I only look'd at a pack. No matter for that, you are my prisoner. Where must we go; said the soldier. You must go before the mayor, said the serjeant.

So he took him before the mayor; and when they came to the mayor's house, he was at dinner. When he had dined, he came to them, and said—Well serjeant, what do you want with me; I have brought a soldier before your honour for playing at cards in the church. What! that soldier? Yes. Well soldier, what have you to say for yourself? Much, sir, I hope. Well and good, but if you have not, you shall be punished the worst that ever man was. Sir, said the soldier, I have been six weeks upon the march, and have but little to subsist on, and am without either Bible, Almanack, or Common Prayer Book, or any thing but a pack of cards. I hope to satisfy your honour of the purity of my intention.

Then the soldier pulled out of his pocket the pack of cards, which he spread before the mayor, and then began with the ace.

When I see the ace, said he, it puts me in mind, that there is one God only; when I see the deuce, it puts me in mind of the Father and the Son; when I see the trey, it puts me in mind of the Father, Son, and Holy Ghost; when I see the four, it puts me in mind of the four Evangelists that preached the gospel, viz, Mathew, Mark, Luke, and John; when I see the five, it puts me in mind of the five wise virgins that trimmed their lamps; there were ten, but five were foolish, who were shut out; when I see the six, it puts me in mind that in six days the Lord made Heaven and Earth; when I see the seven, it puts me in mind that the seventh day God rested from all the works which he had created and made, wherefore the Lord blessed the seventh day and hallowed it; when I see the eight, it puts me in mind of the eight righteous persons that were saved when God drowned the world,

viz.—Noah, his wife, three sons, and their wives; when I see the nine, it puts me in mind of nine lepers that were cleansed by our Saviour; there were ten, but nine never returned God thanks; when I see the ten, it puts me in mind of the ten commandments that God gave Moses on Mount Sinai, on the two tables of stone.

He took the knave and said it aside.

When I see the queen, it puts me in mind of the queen of Sheba, who came from the furthestmost parts of the world to hear the wisdom of King Solomon, and who was as wise a woman as he was a man; for she brought fifty boys and fifty girls, all clothed in boys apparel, to show before King Solomon, for him to tell which were boys and which were girls; but he could not until he called for water for them to wash themselves; the girls washed up to their elbows and the boys only up to their wrist, so King Solomon told by that. And also of Queen Victoria, to pray for her. And when I see the King, it puts me in mind of the great King of Heaven and Earth, which is God Almighty.

Well, said the mayor you have given a very good description of all the cards, except one, which is lacking. Which is that? said the soldier. The knave, said the mayor. Oh, I can give your honour a good description of that, if your honour won't be angry. No, I will not, says the mayor, if you will not term me the knave.

Well, said the soldier, the greatest that I know of is the serjeant of the city that brought me here. I don't know, said the mayor, that he is the greatest knave, but I am sure he is the greatest fool.

I shall now show your honour how I use the cards as an Almanack. You certainly are a clever fellow, said the mayor, but I think you'll have a hard matter to make that appear.

When I count how many spots there are in a pack of cards, I find there are three hundred and sixty-five, there are so many days in the year.

Stop, said the mayor, that's a mistake. I grant it, said the soldier, but as I have never yet seen an almanack that was thoroughly correct in all points, it would have been impossible for me to imitate an almanack exactly without a mistake. Your observations are very correct, said the mayor; go on. When I count how many cards there are in a pack, I find there are fifty-two; there are so many weeks in the year; when I count how many tricks there are in a pack, I find there are thirteen; there are so many months in a year. You see, sir, that this Pack of cards is a Bible, Almanack, Common Prayer Book, and Pack of Cards to me.

Then the mayor called for a loaf of bread, a piece of cheese, and a pet of good beer, and gave to the soldier a piece of money, bidding him to go about his business, saying, he was the cleverest man he had ever seen.

Catnach, Printer, 2, & 3, Monmouth-Court, 7. Dials.

The almanac from Waite's *Washington Directory* (page 2 above) is about as dry and plain as an almanac can be. Yes, this "Synoptical Almanac" is a synopsis (per the *Oxford English Dictionary*, a "general view of some subject") of an almanac (an "annual table, or . . . book of tables, containing a calendar of months and days").<sup>3</sup> But if it were any more general or less tabular it could not be called an almanac. (Note its one appealing feature: it can be re-used this year!)

Now shift your gaze to the *Perpetual Almanack* (page 3 above). It is about as juicy and frilly as an almanac can be. Yes, it calls itself an "*Almanack*," and yes, it does contain a "table" (if you look closely at the left side of the left illustration at the top of the *Perpetual Almanack*, you should be able to spot a table). And yes, it does purport to track the days of the year (with a deck of playing cards). But if that table and those days are enough to make an almanac, then any document furnished with any kind of table and any clump of days — including any *Green Bag Almanac & Reader* consisting (as all do) of a few pages of tabulated dates and hundreds of pages of other stuff — qualifies.

. . .

Second question: where do Supreme Court Justices work? To oversimplify a bit, in the late eighteenth and early nineteenth centuries, riding circuit to sit on the lower federal courts in their home jurisdictions was a full-time job for the Justices, while sitting together in Washington, DC was part-time. By the end of the nineteenth century, travel for work on circuit was nearly nil, while the work in Washington had become full-time. The Justices serving in 1850 were in transition — part of the last generation for whom Washington was a place to visit, rather than the place to live. And so, when they came to work in the Capital city they rented rooms. Their temporary lodgings in Washington were widely publicized, including in Waite's *Washington Directory*, because litigants needed to know where to find them. In those days, even when the Justices were in Washington, much of their work was still individual — connected to their circuit jurisdictional duties.<sup>4</sup>

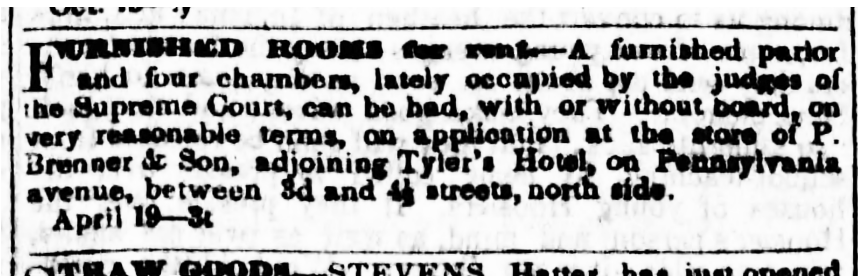
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<sup>3</sup> See *synoptic*, adj. (and n.), OED Online (Sept. 2019, accessed Oct. 14, 2019); *almanac*, n., OED Online (Sept. 2019, accessed Oct. 14, 2019).

<sup>4</sup> Cf. *Supreme Court Practice 1900: A Study of Turn-of-the-Century Appellate Procedure*, 7 J.L.: PERIODICAL LABORATORY OF LEG. SCHOLARSHIP (2 J. IN-CHAMBERS PRAC.) 33 (2017).



The mid-century Justices did not live all together at one address, as their predecessors often had during John Marshall's chief-justiceship. They did, however, remain close — clustered together just a block or two from the Capitol building, which housed the Court at that time (and would continue to do so until 1935, when the Court's current building was completed). Consider, for example, this advertisement in the April 27, 1848 issue of *The [Washington] Daily Union* . . .



. . . and then look at Waite's *Washington Directory* list of "Residences of the Justices of the Supreme Court" (page 6 below), where you will find members of the Court staying at Brenner's again in 1850. Moreover, all the Justices — except McLean (at Mrs. Carter's, 4 North A Street) and McKinley (absent) — were in the same block of Pennsylvania Avenue. Gadsby's Hotel (Justices Wayne, Catron, and Woodbury) was at the northwest corner of Pennsylvania and 3rd Street, and just a few steps to the northwest, between 3rd and 4-1/2 Streets, were Brenner's (the Chief Justice and Justices Daniel and Greer) and Potomac House (Justice Nelson) (see the map from Waite's *Washington Directory*, page 7 below). The idea of the Court not only working together (about which they had no choice), but also freely choosing (because they could) to live together, or close to it, is nice.

. . .

In other business, the *Journal of Law* is pleased to issue two welcomes, one to Joshua Cumby, the new editor-in-chief of the *Journal of Legal Metrics*, and one to the *Journal of Attenuated Subtleties*, a scholarly periodical that is new to our pages but not new to the world of legal scholarship. It was founded in 1982 and has enjoyed a devoted following ever since.

Names and Offices.	Residences.	Salary.
John Catron, <i>Associate Justice</i> .....	Nashville, Tenn.....	\$4,500
John McKinley, <i>Associate Justice</i> .....	Florence, Ala.....	4,500
Peter V. Daniel, <i>Associate Justice</i> .....	Richmond, Va.....	4,500

*Clerk.*

William T. Carroll.....Washington, D. C...Fees &c.

*Attorney General.*

Reverdy Johnson.....Maryland.....\$4,000

*Reporter of the Decisions.*

Benjamin C. Howard.....Baltimore, Md.....\$1,000

The Supreme Court of the United States is held in Washington, and has an annual session, commencing on the first Monday of December.

*Residences of the Judges of the Supreme Court.*

Roger B. Taney, Chief Justice, Brenner's, south side Penn. av., between 3d and 4½ streets, post office Baltimore, Md.

John McLean, associate justice, Mrs. Carter's, Capitol Hill, post office Cincinnati, Ohio.

James M. Wayne, associate justice, Gadsby's, post office Savannah, Georgia.

John Catron, associate justice, Gadsby's, post office Nashville, Tennessee.

John McKinley, associate justice, absent, post office Louisville, Ky.

Peter V. Daniel, associate justice, Brenner's, post office Richmond, Virginia.

Levi Woodbury, associate justice, Gadsby's Hotel, post office Portsmouth, New Hampshire.

Samuel Nelson, associate justice, Potomac House, post office Cooperstown, New York.

Robert C. Grier, associate justice, Brenner's, post office Philadelphia, Pennsylvania.

Benjamin C. Howard, Reporter, Brenner's, post office Baltimore, Maryland.

William Thomas Carroll, Clerk, corner 18th and F' streets.

R. Wallach, Marshall, Louisiana avenue, between 4½ and 6th sts.

INTERCOURSE WITH FOREIGN NATIONS.

*Envoys Extraordinary and Ministers Plenipotentiary in Foreign Countries, with their Residences, and Secretaries of Legation.*

Countries.	Ministers, and Secretaries.	Residences.	Salary.
G. Britain...	A. Lawrence.....	London.....	\$9,000
	J. C. B. Davis, Sec'y of Legation.....	do.....	2,000
Russia.....	.....	S. Petersburg.....	9,000
	....., Sec'y of Legation.....	do.....	2,000

# EXTREME ALMANACS AND TRANSIENT JUSTICES

