

Bethinking of Old Orleans

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AN INTERESTING ANECDOTE

The following story involves Judge Noah Davis (1818-1902) who once practiced law in Albion before becoming a Supreme Court Justice in the 8th Judicial District of Western New York in 1857. Following this he was appointed U.S. District Attorney by President Grant in 1870. During the early 1870's Hon. Noah Davis and his family moved from Albion to New York City where he was again elected Justice of the Supreme Court. It was during this tenure he presided over the trial of the notorious William M. Tweed, the leader of the so-called Tweed Ring in New York. Tweed was exposed for corruption and indicted for forgery and grand larceny. He was convicted in a famous trial and it was Justice Noah Davis who won wide fame for his firmness and magnificent charge to the jury. However, many years before this all occurred, while Judge Davis lived locally, the following story was reported as an interesting anecdote to his having lived here and on his insight and humor as a jurist. I believe this case may have taken place in the late 1850's. It is as follows:

"When the Erie canal was widened a load of stone was shipped from Lockport to Buffalo to be used there on the work. The contractor who furnished the stone rendered his account. It was disputed, the claim being that the stone measured less in Buffalo than called for by the bill. The contractor sued for the account.

"At the time, Judge Noah Davis was judge of the 8th district, and before that able jurist and keen witted gentleman the contestants appeared. The defense was conducted by Judge Gardner, of Lockport, while the contractor's counsel was John T. Murray, Esq. The defense placed on the stand two civil engineers, who swore that they had measured the stone after it was laid and the measurements they gave fell considerably below the amount claimed to have been loaded on the boat at Lockport.

"Both of the engineers who testified to the amount of stone in Buffalo were residents of that city, and were well known there. The name of one is John A. Ditto, while the other rejoices in the



Judge Noah Davis

name of True --- which may or may not be appropriate to a witness on the stand. The testimony of these two experts made it look rather doubtful for the plaintiff's case, which involved the loss of his entire profit on the stone.

"After these men had testified, there followed one of those lulls in the proceedings which frequently occur in a court room, when Judge Davis wrote something upon a slip of paper and sent it to Mr. Murray, counsel for the contractor, an old friend of his, as he sat before him at the table. Upon examining the document, Mr. Murray read these lines:

"Mr. M.:

"Since True swears ditto to Ditto,
And Ditto swears ditto to True,
If True be true, and Ditto ditto,
I fear they're too much for you.

N.D.

"Nothing could have been neater than that; and it deserves to take rank with the bright sayings of the wittiest men on the bench, either in England or America."

Pictured herein is Judge Noah Davis.