

**THE LITERARY GUILLOTINE. AN  
AUTHORIZED REPORT OF THE  
PROCEEDINGS BEFORE THE LITERARY  
EMERGENCY COURT HOLDEN IN AND  
FOR THE DISTRICT OF NORTH AMERICA**

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**VARIOUS**

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**An Authorized Report of the Proceedings  
before The Literary Emergency Court  
holden in and for The District of North  
America.**

**Reporter : ? ? ? ? ? ?**

**The Bench : Mark Twain, C. J.  
Oliver Herford, J.  
'Myself,' J.**

**For the Prosecution :  
Charles Battell Loomis**

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# THE LITERARY GUILLOTINE

HALL CAINE - MARIE CORELLI

WINSTON CHURCHILL - BOOTH TARKINGTON.  
CHARLES MAJOR - IRVING BACHELLER

RICHARD HARDING DAVIS - JOHN KENDRICK BANGS  
JAMES BRANDER MATTHEWS

MRS. HUMPHRY WARD

ELLA WHEELER WILCOX - SIR ALFRED AVSTIN  
BLISS CARMAN - EDWIN MARKHAM

HENRY JAMES - MARY BAKER EDDY

BY?

MARK TWAIN

OLIVER HERFORD

L. B. LODGIS

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NEW YORK and LONDON  
MCMIII

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I. The People *vs.* Richard Harding  
Davis I

*For Defendant*

*Davis, pro se*

*Held*, That in writing exclusively for the Young Person, the introduction of improprieties, however veiled, and the perpetration of impossibilities in order to avoid the same, are equally criminal and constitute the same offense.

*Verdict*: Guilty

II. James *vs.* Eddy 35  
Infringement of Patent

*Held*, That the original *sententia obscura*, containing, as its name implies, a palpable though obfuscated idea, is not infringed by a method of compilation by which the idea, if any, is placed absolutely beyond the reach of discovery.

III. The Mummy and the Humming-bird,  
*being the case of* The People *vs.* John  
Kendrick Bangs and James Bran-  
der Matthews 61

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*Held*, That the fact that a lack of humour, if not proven to be that of others, under the above ruling, is no reason for acquittal; also that the admissions of a literary expert in an article upon the art of writing may be used

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against him in evidence of the crime of unjustified narration.

*Verdict* : Guilty in the Second Degree with recommendation to mercy.

### IV. Wards in Chancery 87

Upon the trial of Mary Augusta Ward for the commission of "Eleanor" and other crimes,  
*Held*, That another and comparatively innocent person whose arrest is due merely to identity of her surname with that of the defendant may be dismissed with a reprimand; also that

A literary crime may be allowed to go unpunished in order to avoid international complications, *Nol. Pros.* ordered accordingly

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*Quære*, Whether two defendants charged with divers like crimes and misdemeanors may be accorded immunity from prosecution upon the offer of each to become State's Evidence against the other?

*Note*. On account of the rescue of the prisoners by the mob (presumably for purposes of its own) it was deemed fitting by the Court that the case be *Adjourned sine die*

### VI. Three of a Kind 143

The People *vs.* VanDyke *et al.*

*For all three Defendants* *Brander Matthews*  
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