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Miscellany

CONTRACTS: A REAL ESTATE CONTRACT MADE ON SUNDAY IS UNENFORCEABLE

By JOHN M. BRUMBAUGH*

*Patton v. Graves*¹

There was a freeholder named Patton,
Who on country life did not batten;
The silence awoke her—
She called in a broker
For a house sale, her assets to fatten.

The broker came by with a buyer,
But she wanted the price to go higher.
The Graveses said, "No."
The broker said, "Go;
Her agreement I'll try to inspire."

Now the morning had dawned gray and foggy,
And we learn that some pills made her goggy,
She had chills and arthritis;
Dare we let it incite us
That she'd gone out to tend her sick doggie?

We really do find our minds vexed:
She signed, although rather perplexed,
'Cause he wore her glasses,
And so the poor lass is
Unsettled, uncertain, unspexed.

Are you thinking of legal mistake?
This line the vendor did not take,
And, its just as irrelevant
As a polka dot elephant
That we'd shed a few tears for her sake.

You lawyers don't dwell in Elysium;
Review notes aren't all that you'd wish 'em.
But we've not wasted time
With this doggerel rhyme
De minimis curat iudicium.

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1. Md., 224 A.2d 411 (1966).

Said the court (I know not how it durst),
 "They contracted on Sunday, March first.
 To agree on the Sabbath
 Propriety jabbeth,
 So we hold that the pact is accurst.

"These hard cases, we'd never have picked 'em.
 We try not to be sentiment's victim,
 But in moments of crisis
 Stretch *stare decisis*:
 We do have a nineteen-three dictum."²

The Blue Laws march on in their glory,
 Not direct'ry but true mandatory;
 The world will learn one day
 That Never On Sunday
 Is the rule, sans reform statutory.³

2. In Holmes' "The Path of the Law"
 Such theory was punched in the jaw.
 Blind reliance on hist'ry
 Enveloped in myst'ry
 Is pretty revolting and raw.
3. Of course this precis is unfair:
 The court gave more reasons, with care;
 But in Law Review notes—
 Doesn't this get your votes?—
 Understanding and balance are rare.