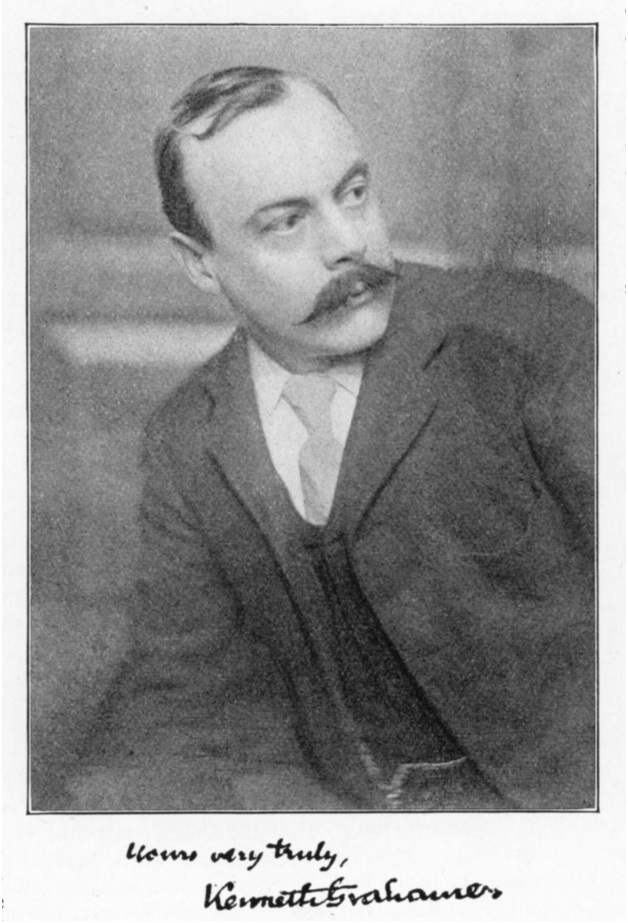
Green Bag
Almanac & Reader

2026



Villagers all, this frosty tide,
Let your doors swing open wide,
Though wind may follow, and snow beside,
Yet draw us in by your fire to bide;
Joy shall be yours in the morning!

— Kenneth Grahame, quoted in
Bartlett's Familiar Quotations 742 (11th ed. 1937)

Green Bag Almanac

of Useful and Interesting
Tidbits for Lawyers

&

Reader

of Exemplary Legal Writing
From the Year Just Passed

2026

edited by
Ross E. Davies



First riparian edition.

There are two versions of the 2026 *Almanac & Reader*. One, the "Material Version," is this book. The other is the "Ethereal Version," which will be a bit shorter and will eventually appear in *The Journal of Law*. Eligible *Green Bag* subscribers should receive one version or the other, but not both.

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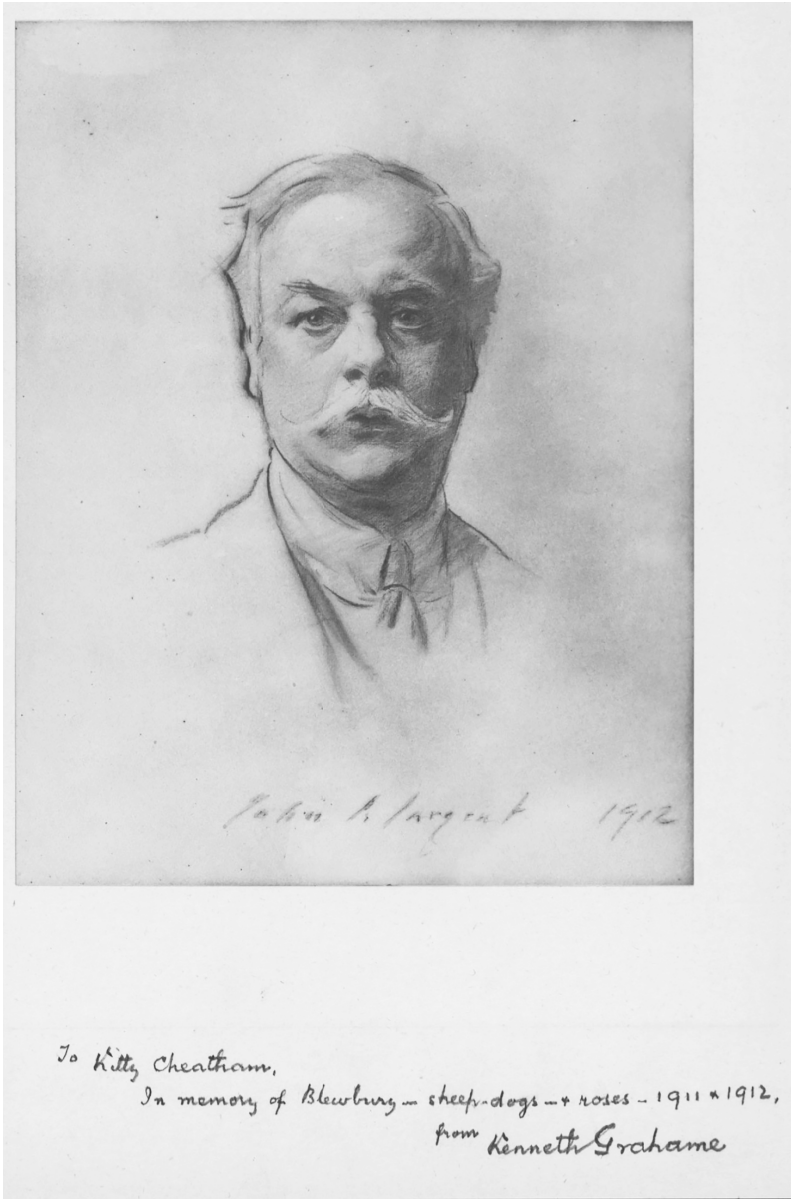
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Portrait (1912) of Kenneth Grahame, banker and writer (1859-1932), by John Singer Sargent, painter (1856-1925), inscribed by Grahame to Catharine ("Kitty") Cheatham (1864-1946), musician and writer.

WORLDS OF THE WILLOWS

Ross E. Davies[†]

This is the 21st *Green Bag Almanac & Reader*. For an explanation of why we at the *Green Bag* think the world is a better place with the *Almanac & Reader* than without it, read the "Preface" to the 2006 edition. It is available on our website (www.greenbag.org).

I. THE THEME

The maturely childish (or childishly mature) thematic content in this year's *Almanac & Reader* is courtesy of Kenneth Grahame. Here we give you: (a) his great book, *The Wind in the Willows*; (b) his most famous short story, *The Reluctant Dragon*; (c) much interesting and often entertaining scholarly commentary by Samantha Bateman, Cattleya M. Concepcion, Robin Kundis Craig, Karolyne H.C. Garner, Emily Grant, Stephen McAllister, and Alec Spangler; and (d) several extra willowy tidbits.

We should begin, though, by introducing Grahame. We cannot do better than Herbert B. Grimsditch's entry in *The Dictionary of National Biography*:

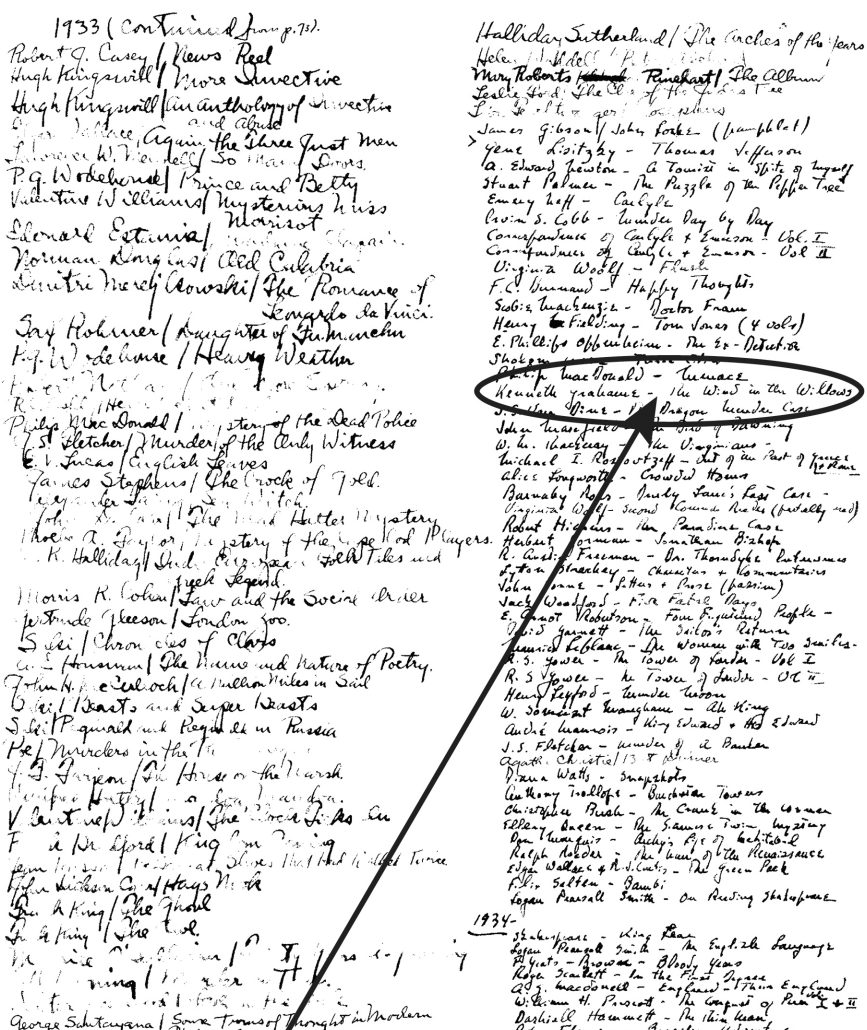
> GRAHAME, KENNETH (1859-1932), author and secretary of the Bank of England, was born in Edinburgh 8 March 1859, the second son of an advocate, James Cunningham Grahame, by his wife, Bessie, daughter of John Ingles, of Hilton, Lasswade. He was doubly descended from Robert the Bruce. 'Anthony Hope', the novelist [Sir A.H. Hawkins, q.v.], was his first cousin. After education at St. Edward's School, Oxford, he spent two years in the Westminster offices of his uncle, John Grahame, a parliamentary agent.
>
> In 1879 Grahame began work as a clerk in the Bank of England. He was competent and conscientious, but his literary bent found some outlet in the writing of poems and reflections in a small ledger. Much of his spare time was filled up by training in the London Scottish, with which he served for seven years. Sundry visits to the ship of his uncle, Commander Ingles, at Portsmouth, fostered his perennial interest in things nautical.
>
> In 1886 Grahame met F.J. Furnivall [q.v.], who discouraged his poetic aspirations but urged him to write prose for the reviews. This he did, and gained an interview with W.E. Henley [q.v.], who printed a number of essays and sketches and tried to induce Grahame to leave the Bank for literature.

[†] Ross Davies is a *Green Bag* editor and a law professor at George Mason University.

> Too level-headed to do this, Grahame nevertheless continued writing, and in 1893 published his first book, *Pagan Papers*, essays reprinted from Henley's *National Observer*, which was well reviewed. Grahame wrote for *The Yellow Book* between 1894 and 1897, and in 1895 published *The Golden Age*, essays from this magazine and the earlier *Pagan Papers*, which revealed in this thirty-six-year-old bachelor a remarkably delicate appreciation of the child mind. It won from A.C. Swinburne the description of 'one of the few books which are well-nigh too praiseworthy for praise', and was a favourite with Theodore Roosevelt and the Emperor William II.
>
> Grahame's business career had a success parallel to that of his writings. He became secretary of the Bank in 1898, and filled that office with credit until his retirement for reasons of health in 1908. He was twice near death — from pneumonia in 1899 and from a lunatic's revolver-shot at the Bank in 1903. In 1899 he married Elspeth (died 1946), elder daughter of Robert William Thomson, of Edinburgh and Stonehaven, and step-daughter of J.F. Moulton, Lord Moulton [q.v.]. Their only child, Alastair, born in 1900, was killed by a train near Oxford in 1920, while an undergraduate at Christ Church.
>
> *Dream Days* (1898) dealt with the same characters as *The Golden Age*. Then, in 1908, Grahame produced *The Wind in the Willows*, much of it written to the boy Alastair at Littlehampton in letter form. This book made a fortune for its author, and raised him to a status of mastery as a writer of children's books comparable with that of Lewis Carroll, Edward Lear, and J.M. Barrie. The famous animal characters, Mole, Badger, Rat, Toad, and the rest, remain equally popular with child and adult readers. The book was dramatized by Mr. A.A. Milne in 1929 as *Toad of Toad Hall*.
>
> Grahame died suddenly at his home at Pangbourne 6 July 1932. He was a large, fair, genial, and dignified man, kindly, shy, and generous, who loved wit and good company and was beloved by many. His insight into child mentality has probably never been surpassed, and his subtle and evocative prose was an admirable vehicle for the poetry and pathos of his thought.[1]

As our commentators demonstrate, there is much worth saying about law and related matters in and around *The Wind in the Willows* and its author. And there is much more to be said that we do not address in this volume. Consider, for example, readership of that book in particular and of Grahame's works in general author among lawyers (including Supreme Court Justice

[1] L.G. Wickham Legg, *The Dictionary of National Biography, 1931-1940*, at 357-58 (1949).



"Kenneth Grahame — The Wind in the Willows" in the handwriting of Justice Oliver Wendell Holmes, indicating that Holmes read *The Wind in the Willows* (or had it read to him) in 1933. *The Black Book of Justice Holmes: Text Transcript and Commentary* 112 (2021) (M.H. Hoeflich and Ross E. Davies, editors).

Oliver Wendell Holmes, for example[2]) and policymakers (including President Theodore Roosevelt, for example[3]). The letter reproduced on the next page (and transcribed below) from Roosevelt to his friend Robert Ferguson — an immigrant who had served in Roosevelt's "Rough Riders" during the Spanish-American War in 1898 and enjoyed some success in the real estate business in New York — reflects his appreciation of Grahame's work even before the 1908 publication of *The Wind in the Willows*:

December 1, 1906.

Dear Bob:

I was much concerned on your account, and perhaps still more on Isabella's, to hear that you had to go to the Roosevelt Hospital; but I am glad to know that everything is all right. I do most emphatically wish that you would take at least a year's holiday and get completely well, so that when you came back to your work you would be able to do it as it should be done, and would not just patch yourself up so as to insure a breakdown after two or three months. Do think seriously over this. I am sure it is what you need, and it would be the best thing all around, from the standpoint of your health, your business, and everything else.

There is an awfully good fellow whom I recently made Secretary of the Interior in Porto Rico. His name is Laurence Grahame. He is a Canadian of Scotch parentage and was educated in Scotland, where he played on the all-Scotland eleven and won the amateur boxing championship. He is a descendant of Montrose and a relative of Kenneth Grahame, the author of "Dream Days." He is as fearless, gentle, and loyal a soul as another Scotchman I wot of. When I was down at Porto Rico recently, at my request he came to the state dinner and reception in his kilt, a dress which simply enthralled the Porto Ricans.

With love to Isabella,

Ever yours,
/Theodore Roosevelt/

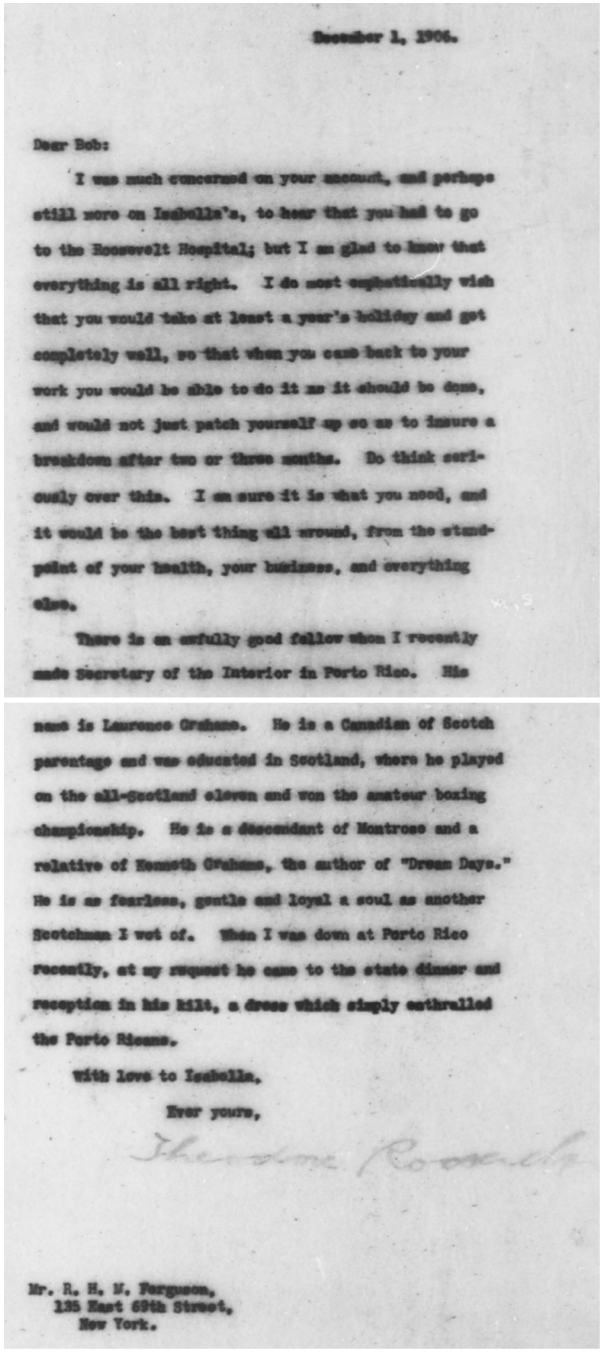
Mr. R. H. M. Ferguson,
135 East 69th Street,
New York.

So, you can expect to see more about Grahame and his stories in other *Green Bag* publications someday.

---

[2] *Cf. New Jersey v. New York*, 283 U.S. 336, 342 (1931) (Holmes, J., opinion of the Court) ("A river is more than an amenity, it is a treasure."). Trivia: Grahame and Holmes shared a birthday: March 8.

[3] Alison Price, *Kenneth Grahame: An Innocent in the Wild Wood* 228, 232, 239-40, 252-53 (1994) (quoting from and discussing some of the correspondence between Grahame and Roosevelt, and describing the latter's enthusiam for the former's work).



December 1, 1904.

Dear Bob:

I was much concerned on your account, and perhaps still more on Isabella's, to hear that you had to go to the Roosevelt Hospital; but I am glad to know that everything is all right. I do most emphatically wish that you would take at least a year's holiday and get completely well, so that when you came back to your work you would be able to do it as it should be done, and would not just patch yourself up so as to insure a breakdown after two or three months. Do think seriously over this. I am sure it is what you need, and it would be the best thing all around, from the standpoint of your health, your business, and everything else.

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With love to Isabella,

Ever yours,

Theodore Roosevelt

Mr. R. H. M. Ferguson,
135 East 69th Street,
New York.

II. Everything Else

We also have our three other customary categories of content:

Reviews of the year just passed. First, as ever, we have Bryan Garner's chronicles of the year in language, grammar, and writing. Second, we are pleased to welcome back Wendy Knox Everette and her review (this time with a new collaborator, Robert E. Willey) of the year in law and technology. And we are looking forward to the return next year of the review of the year in law, which will be under the leadership of longtime *Green Bag* editor (and, recently, the creator of *Roll of Law*) Greg Jacob.

Exemplary legal writing. Our commentators on exemplary judicial writing are Charmiane G. Claxton, Stephen Dillard, James C. Ho, Harold E. Kahn, and Rhonda K. Wood. On exemplary scholarly writing we have Daniel B. Listwa, Jed S. Rakoff, Susan Phillips Read, and G. Edward White.

Tidbits of law and legal culture. And, as usual, when it comes to odds and ends, our "grab bag is astonishingly inclusive."[4]

IV. Thanks

The *Green Bag* always ends up owing thanks to many good people for more acts of kindness than we can recall. And so we must begin by thanking and apologizing to all those who deserve to be mentioned here but aren't. We cannot, however, forget that we owe big debts of gratitude to O'Melveny & Myers LLP (for its steadfast support of our work, especially from Marjorie Inparaj, Viva Kennie, and Greg Jacob), and to Ira Brad Matetsky and Susan Davies for proofreading that goes far beyond conventional proofreading.[5] And this year we also owe special thanks to Cathy Miranker for much sound advice about how to treat Kenneth Grahame and *The Wind in the Willows*. Finally, we thank you, our readers. Your continuing support and your kind remarks about the *Almanac & Reader* are inspiring.

Ross E. Davies
August 30, 2026

[4] *AFSCME Iowa Council 61 v. State*, 928 N.W.2d 21, 45 (Iowa 2019) (Appel, J., dissenting).
[5] *Cf. Davies v. Mann*, 152 Eng. Rep. 588 (1882).

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THE SULTAN'S IRADÉ.

We remember hearing a very acute but somewhat limited foreign observer declare flatly that Parliamentarism had failed in every European country except Great Britain, which had evolved a peculiar kind of machinery, not to be imitated elsewhere, for the averting of its worst consequences. "How about despotism?" was the obvious answer; "was that, then, so great a success that the autocratic countries could afford to give themselves airs at the expense of the Parliamentary—Russia or Turkey at the expense of France, Italy, Hungary, Switzerland, the United States, to say nothing of Great Britain?" Answer there was none but a shrug of the shoulders. A man might be pessimistic about Parliaments, but he could not be optimistic about autocrats.

That conversation comes back to us vividly this morning as we read of the "bloodless revolution" which has caused ABDUL HAMID either to restore the Constitution of 1876 or to promulgate a brand-new Constitution of his own, whichever the truth may be. There is a certain propriety and inevitableness in this event which make us wonder why in our various speculations about the future of Turkey and Macedonia we have all failed to foresee so obvious a next move. The Western world may criticise its Parliamentary institutions, but the Eastern world is profoundly conspicuous in thinking that its way of salvation lies in getting Parliaments. The movement has passed over Persia, is affecting India and Egypt, and it is the most natural thing in the world that it should spread to Turkey. Yet the first step now reported from Turkey is singular to itself. The movement comes not from zealous reformers or political agitators but from officers and soldiers who are discontented at the arrears of their pay and the conditions of their service. They have learnt with surprise, some of the correspondents tell us, that the European soldiers with whom they have been brought in contact through the Macedonian question are regularly paid and decently treated. This curious discovery ran, like new wine, through the brain of the Turkish Army, and it quickly became apparent even to the Sultan that the whole army in the neighbourhood of Monastir was in revolt, and there were no troops at his disposal who could be trusted to deal with the mutineers or not to make common cause with them. Monastir itself, according to the latest reports, is in the hands of the insurgents, and the "entire people are being won over to the Constitutional movement." The crowning blow, however, appears to have been an ultimatum from the Albanians, which fell like a thunderbolt on Yildiz. Summoned to explain this astounding event, the Grand Vizier was speechless, and a master thereupon sent him about his business and addressed himself to SAID PASHA and KIAMIL PASHA, Grand Viziers of former days, whose supposed Liberal views have for many years kept them in the shade and even at times compelled them to seek a British asylum from Palace intrigues. SAID and KIAMIL could only advise the Sultan to make terms while he could with his rebellious Army, and hence the Iradé promulgated yesterday restoring Constitutional government and ordering the Valis to proceed immediately to the election of a Chamber of Deputies.

This is only a beginning of beginnings, and our knowledge of ABDUL HAMID, coupled with the recent experience of the Persian Parliamentary movement, may warn us not to presume on the future. Obviously, the Sultan's object will be, if he can, to detach the Army from the "Young Turks," whose Constitutional agitation, continued without results for so many years, has gained this success through the disaffection of the soldiers. If the Army can be bought back, the Sultan will still be master of the situation, and the "restoration of the Constitution" will afford him no guarantee against the Young Turks, whose avowed aim has been to procure his abdication. No Western observer can predict anything with certainty about this situation. It depends on whether the Army can be bought off, and, if so, whether the Sultan can beg or borrow the money to buy it off; but ABDUL HAMID will belie his well-known character if he yields an inch more than he is obliged to the Constitutional demand. We may be quite sure, indeed, that if he has troops behind him, when the Valis have completed the work of getting the Deputies elected, the privileges of Parliament will be worth about as much at Constantinople as at Teheran. Physical and moral courage, as well as shrewdness and intellectual capacity, is required of the men on whom the lot falls in the first Parliament under a Constitution wrung from Shah, Sultan, or Czar.

Indeed, it is the trump-card of the autocrats that Parliaments are such very difficult things to make. It has taken us five centuries or thereabouts to make ours; and these Young Turks, Russian Democrats, and Persian reformers are called upon to do the thing in as many weeks on pain of hearing it said that the experiment is a fiasco and must be abolished as soon as it is started. We can do nothing at present but see the Turkish movement fair-play and hope that the soldiers and the Young Turks will hold together and produce something that is better than the present régime. If it is true, as we hope it is, that they have already, as the *Times* says, "brought about a condition of quietude in various districts of Macedonia which both the Sultan and the Powers had failed to accomplish," we may be reconciled to the necessary suspension of the new projects of reform which were about to be presented. It is clearly useless to address a Sultan who counts for nothing in Macedonia, but what we may well do is to use our influence with the Powers to prevent any of them taking advantage of these troubles to pursue their own special policy, and, above all, to prevent the neighbouring States—whether Greece, Bulgaria, or Servia—from sending their bands in to make further mischief. Any disorder in Turkey has possibilities of mischief for the Powers, and a self-denying ordinance against making mischief is in the interests of all of them.

NOTES OF THE DAY.

Mr. Birrell is heartily to be congratulated—the Irish Universities Bill is almost within sight of port. The Report stage was finished yesterday, the third reading debate is taking place as we write, and before the day is out the House of Lords will have read it a first time. The two important points yesterday were the question of University residence, and the question of churches and chapels in the University. On the first of these points Dr. Hazel's amendment (moved in an admirable speech) was defeated by three to one, the minority including Mr. Balfour (his one vote in the course of yesterday's sitting). There was a great deal to be said, no doubt, on academic grounds, for Dr. Hazel's amendment, but Mr. Balfour, we should have thought, would have recognised the great practical difficulties in the way of accepting it. We confess we expected Mr. Balfour's backing of Mr. Birrell to have been rather more open and unequivocal after what we recall of Mr. Balfour's past record on this matter.

Mr. Birrell accepted Mr. Massie's motion to cut out the subsection permitting of the erection of places of worship by private benefaction within the University precincts. This was put in in Committee at the instance of Mr. Butcher, and was yesterday cut out by 172 to 111. Most of the Ulstermen consistently enough voted with the Government, but Mr. Long voted against, after a most remarkable speech, in which he said:

> He hoped that this University would be, to a large extent, denominational; and that its prosperity would depend on the enthusiasm which the body of the great Roman Catholic community would show for it.

They (*the Opposition*) would feel that their compliance would be best met if they abandoned any recommendations they might have to make, having established the fact that in all their amendments they had striven honestly to make the Bill undenominational in its character.

Really, we ought to have given these in parallel columns.

Now that the Bill is practically safe, there are, we think, two general observations which may be made:

(1) If Ireland were given Home Rule there could be no con-

OUR LONDON LETTER.

Many happy returns to Mr. Balfour, who keeps his sixtieth birthday to-day. It is thirty-four years now since Mr. Balfour was first returned to the House of Commons as member for Hertford, a constituency where the Cecil influence was naturally strong, and which he continued to represent until 1885. Then he transferred his attentions to East Manchester, which remained faithful to him till the Tory débâcle of 1906, when he found refuge in the City of London, which constituency he represents to-day.

The two last dances of the season have been given by vegetarian hostesses. Both the Duchess of Portland, who entertained the King and Queen on Thursday night, and the Countess of Plymouth, who gave a mask and domino ball last evening, are ardent supporters of the anti-meat theory of dietary.

The Earl and Countess of Plymouth are still better known by their earlier titles of Lord and Lady Windsor. The Earl's ancestors were Lords of Windsor and of Plymouth from 1682 to 1833, when the second title became extinct. In 1905, however, King Edward revived it, and the then Lord Windsor adopted Plymouth as the name of the earldom which he then received.

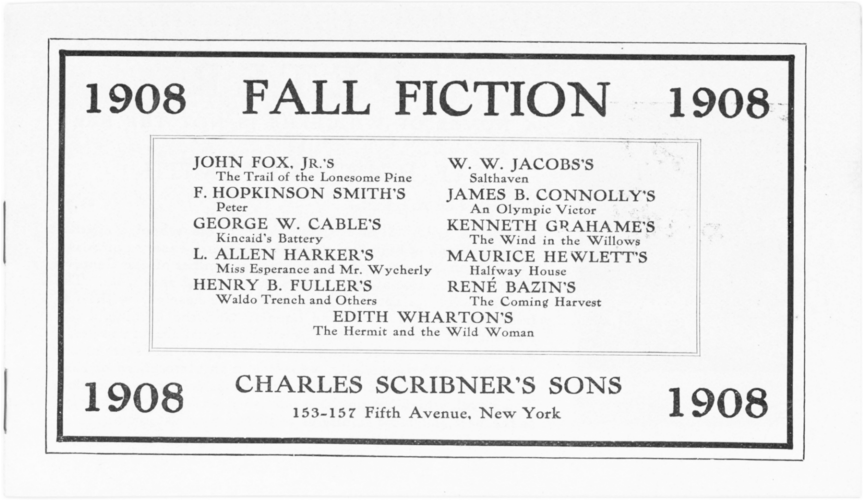
It was during Lord Plymouth's strenuous three years as Commissioner of Works that the Mall was transformed into a splendid processional avenue. Lord Plymouth's eye for artistic effect is equally evident in the decorations of his magnificent mansion in Mount-street, where last evening's entertainment was given. His lordship himself built and designed this residence.

The Duke of Roxburghe, who to-day celebrates his thirty-second birthday, is one of the few great nobles without a town house. On the other hand, he is the owner of the historic Floors Castle, Kelso, N.B. Like his cousin, the Duke of Marlborough, the Duke married a great American heiress—Miss May Goelet. They have no children, his heir-presumptive being his brother, Lord Alastair Innes-Kerr, whose wife is also of American birth.

Although the present Duke has no town house, it was for one of his ancestors that Harewood House, which formerly stood in Hanover-square, was built by Robert Adam. The Duke in question was the third Duke, and the famous book collector. He may have had a fancy for Hanover-square because he was born there in 1740. Robert Adam was only twelve years old then. The Duke's house must have been built a good deal later.

The fine performance of Dorando, in the Marathon contest yesterday, serves to recall that he is not the only Italian who has worthily upheld the fame of his race in the world of sport and athletics within recent years. In the deadly sport of motor-racing, which, more than all others perhaps, demands nerve, courage, and endurance, an Italian, Nazzaro, is recognised as supreme, while the notable feats as an explorer of the Duke of the Abruzzi may also be recalled in this connexion.

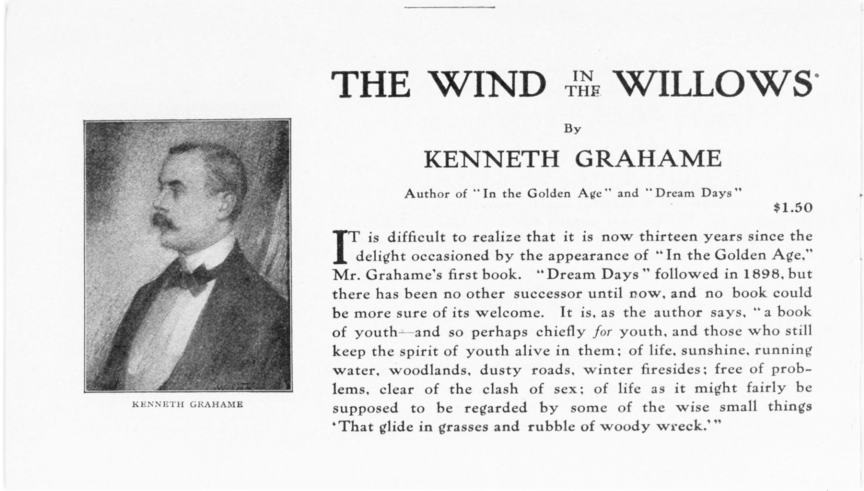
Ad for *The Wind in the Willows* under its short-lived original title — *The Wind in the Reeds* — on the front page of the July 25, 1908 *Westminster Gazette*.



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THE WIND IN THE WILLOWS

By

KENNETH GRAHAME

Author of "In the Golden Age" and "Dream Days"

$1.50

KENNETH GRAHAME

IT is difficult to realize that it is now thirteen years since the delight occasioned by the appearance of "In the Golden Age," Mr. Grahame's first book. "Dream Days" followed in 1898, but there has been no other successor until now, and no book could be more sure of its welcome. It is, as the author says, "a book of youth—and so perhaps chiefly *for* youth, and those who still keep the spirit of youth alive in them; of life, sunshine, running water, woodlands, dusty roads, winter firesides; free of problems, clear of the clash of sex; of life as it might fairly be supposed to be regarded by some of the wise small things 'That glide in grasses and rubble of woody wreck.'"

The front cover and page 8 of the little marketing pamphlet in which Charles Scribner's Sons (Kenneth Grahame's American publisher) first promoted *The Wind in the Willows*.