

## EX POST

---

### Casey Jones Redivivus

RINGHISER V CHESAPEAKE & OHIO RY., 77 S. CT. 1093 (1957)

*Brainerd Currie*

*Come all you rounders, if you want to hear  
A story 'bout a sad engineer:  
Boyd Ringhiser was the rounder's name;  
On a low gondola car he won his fame.*

*The caller called Boyd about a half-past four;  
He went to the toilet but results were poor;  
Said Boyd to Boyd, "This'll never do,"  
So he took a dose of salts and drank some cider, too.*

*Boyd Ringhiser started for the station,  
Boyd Ringhiser, innards in a stew;  
Good old Boyd made a mental calculation,  
And the consequence was tragic and was un-i-Q.*

*He cranked his Chevvy and he threw it in gear  
And the rumbling noises that he heard were queer;  
He headed straight for Parson's Yard  
And for consequences that were un-to-ward.*

---

*Brainerd Currie (1912-1965) was Professor of Law at the University of Chicago from 1953 to 1961. Casey Jones Redivivus has never before appeared in print.*

*He paused for a moment at the roundhouse john;  
In his opinion the debate was won.*

*He was quite mistaken, as you must agree  
From the Aberdeen & Rockfish to the Santa Fe.*

*Boyd Ringhiser mounted to the cabin,  
Boyd Ringhiser, epsom salts and all;  
Boyd Ringhiser mounted to the cabin,  
But he couldn't close his ears to Mother Nature's call.*

*Toledo bound, with cars for Walbridge Yard,  
He felt an urge that he could not retard.  
If his air brakes functioned he did not yet know,  
But he couldn't wait to test them for he had to go.*

*A higher caller called him with a louder call;  
The call was urgent and he could not stall;  
So he fled from his cabin and he headed west,  
For that head was the closest and was hence the best.*

*Boyd Ringhiser darted from his cabin,  
Boyd Ringhiser, breeches in his hand,  
Boyd Ringhiser darted from his cabin,  
A lonesome figure in a friendless land.*

*Oh cruel destiny! His goal was nigh  
When a long train came and he could not get by –  
A train of empties, just to rub it in:  
He was far from empty, and his chance was thin.*

*He spied a gondola on Switch Track 8;  
He climbed in it quick because he couldn't wait.  
He chose this alternative reluctantly,  
But it offered him a modicum of privacy.*

Casey Jones Redivivus

*Mrs. Jones, you were badly needed;  
Mrs. Jones, wherever did you go?  
Mrs. Jones, you were badly needed  
By Boyd Ringhiser of the C. & O.*

*He took his position and released a sigh,  
But a yard crew was switching some cars close by.  
They humped two cars into Number 8  
With a force that sealed his most untidy fate.*

*The gondola was loaded with plates of steel;  
At the slightest impact they'd begin to keel.  
It became apparent that the cars would bump,  
But a man in his position couldn't run or jump.*

*Boyd Ringhiser mounted his gondola,  
Boyd Ringhiser, heeding Nature's call;  
Boyd Ringhiser mounted his gondola  
And in consequence he lost his blooming leg and all.*

*And now Boyd's road's the F.E.L. & A.;  
The C. & O. will maybe have to pay.  
The jury said he'd never have to beg,  
Gave him forty thousand dollars for his poor, lost leg.*

*But the railroad lawyers did a double take:  
"Why should we pay damages, for heaven's sake?  
The statute says we can't be charged a cent  
If the plaintiff doesn't prove that we were neg-li-gent."*

*C. & O. files a little motion,  
C. & O. nasty as can be;  
C. & O. makes a big commotion  
And the judge he gives defendant judgment N.O.V.*

Brainerd Currie

*The Brotherhood came to poor Boyd's support,  
Appealed the ruling to the Su-preme Court  
Railroads generally have to pay  
When the Big Court rides the F.E.L. & A.*

*But some judges boggled and were given pause;  
They couldn't find the necessary careless cause.  
Said Justice Clark, "It cannot be foreseen  
That a hogger'd use a rattler for a durned latrine."*

*Who'd have thunk, can you just imagine,  
Who'd have thunk, could it be foreseen,  
Who'd have thunk, can you just imagine  
That a hogger'd use a rattler for a durned latrine ?*

*Old Felix wanted to dismiss the cert. ;  
There was nothing novel in the case but dirt.  
But don't give up until you've heard the end,  
For the Su-preme Court's the gandy-dancer's friend.*

*The cases approve any port in a storm,  
And in railroad practice it is not bad form  
To improvise in an emergency;  
This a really prudent railroad surely should foresee.*

*Su-preme Court rendered its decision,  
Su-preme Court, reason sharp and clean;  
Su-preme Court said railroads should envision  
That a hogger'd use a rattler for a durned latrine.*

