

Roibeard O Buadain

Thomas G. Cannon

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ROIBEARD Ó BUADÁIN

THOMAS G. CANNON*

The death of Bob Boden marks a loss, not only to the administrative structure of the University, but also to the world of historiography. Had his considerable talents not been diverted into administration early in his career at the Law School, I am confident that he would have emerged as an outstanding legal historian. Bob Boden was a historian by nature. He had what Frank O'Connor described as the "backward look."¹ In fact I suspect that he probably felt more at home with the likes of Sir Thomas More (1478-1535), whose famous portrait by Hans Holbein hung prominently in Bob's office, and Sir Edward Coke (1552-1634), about whom he wrote several articles,² than he felt with such contemporaries as Earl Warren and Warren Burger. His view of the appropriate form of legal education was more closely akin to the medieval English Inns of Court than it was to the contemporary American model of a university education.³ He had such a marvelous sense of legal history that he was the only lawyer I knew who could delight in discussing such landmarks as *Dr. Bonham's Case*,⁴ *Bushell's Case*,⁵ and *Paxton's Case*⁶ as if they had been decided in this term of court. Scholar that he was, he knew more than the mere rule of those cases; he understood law and legal institutions as the product of a particular political, social and economic background. He could effortlessly recount the names of the lawyers, the substance of their arguments, and

* A.B., Marquette University, 1967; J.D., University of Wisconsin Law School, 1971; Assistant Professor of Law, Marquette University Law School.

1. F. O'CONNOR, A SHORT HISTORY OF IRISH LITERATURE 5 (1967).

2. Boden, *America's Debt to Edward Coke: Dr. Bonham at Lexington Green*, 35 MBA GAVEL 5 (Summer, 1976); Boden, *America's Debt to Edward Coke: Robert Calvin at the Continental Congress*, 1 THE MILWAUKEE LAWYER 12 (Fall, 1976); Boden, *When the Common Law Took Flesh: Sir Edward Coke, 1552-1634*, 35 MBA GAVEL 3 (Summer, 1976).

3. Boden, *Is Legal Education Deserting the Bar?*, 37 INS. COUNSEL J. 97, 105 (1970).

4. 77 Eng Rep 646 (1610).

5. 89 Eng Rep 2 (1670).

6. *In re Paxton*, 1 Quincy 51 (Mass. 1761).

the political background of the parties and judges as well as the final historical resolution of those controversies. I count myself fortunate to have spent many a pleasant hour discussing these and other early legal developments with him.

Bob's historical scholarship was evidenced on many another occasion as well. He contributed a splendid essay to this Review on the history of the colonial bar for the bicentennial celebration.⁷ He also authored another fine piece on the political history of the colonial jury on the eve of the American revolution.⁸ In addition, he wrote a lengthy manuscript on the common law basis of the American revolution which will hopefully see print in the very near future.⁹

Bob's interest in history extended far beyond the legal sphere. He was immensely proud of his Irish ancestry. The O'Boden family was originally established in Ossory, County Kildare.¹⁰ He was quick to point out the etymology of *Baile Uí Buadáin*, literally "Town of O'Boden," now Bodestown, County Kildare, which is famed as the burial place of the great Irish patriot Wolfe Tone.¹¹ By the middle of the nineteenth century his forebearers resided in the town of Newry on the Armagh-Down border which his great-grandfather left to become a pioneer settler in Milwaukee about the time of the Great Famine (1846-50). The old Boden family homestead was located in the Town of Lake, now the City of Milwaukee. It is commemorated appropriately in the street name "Boden Court" just west of General Billy Mitchell Field. Bob's sense of tradition further extended to his following in the footsteps of his father, Attorney Francis X. Boden, by his admission to the Wisconsin bar in 1952. I am sure that Bob Boden would smile to know that the Marquette Law Review decided to eulogize him in the language of his Irish ancestors:

7. Boden, *The Colonial Bar and American Revolution*, 60 MARQ. L. REV. 1 (1976). This was subsequently republished as a separate work by Callaghan and Company (1976).

8. Boden, *When Americans Bled for the Jury System*, 49 WIS. BAR BULL. 35 (June 1976).

9. R. BODEN, FROM THE OLD FIELDS: THE LEGAL BASE OF THE AMERICAN REVOLUTION, unpublished manuscript (copyright 1976).

10. E. MACLYSAGHT, MORE IRISH FAMILIES 36 (1982); P. WOUFFE, SLOINNTE GAEDHEAL IS GALL 447 (1923).

11. 3 P. JOYCE, ORIGIN AND HISTORY OF IRISH NAMES OF PLACE 70 (1913).

Ar dheis Dé go rabh a anam uasal.

May his noble soul go to the land of God.