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In re The Law Is a Jealous Mistress

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In re "The Law is a Jealous Mistress"

THE appeal which was published in the October, 1926, Docket, inviting assistance on behalf of the Colorado Bar Association as to the authorship of the phrase "The Law is a Jealous Mistress," has no doubt aroused considerable interest among the legal profession, and has caused some discussion of the pros and cons of the statement. Not many have ventured to submit the "true and correct answer."

Mr. Thomas D. Parker, of San Francisco, Cal., writes: "In a biographical sketch that I read twenty-five or thirty years ago, W. D. Howells refers, without quotation marks, to the Law as a Jealous Mistress, in connection with the fact that he was trying to follow law and literature simultaneously and found it necessary to give up one."

Mr. Merit O'Neal, of Louisville, Ky., advises us that, at the last annual meeting of the Kentucky State Bar Association, Mr. E. H. Angert, of St. Louis, delivered an address entitled "The Law is Not a Jealous Mistress," in the course of which he said: "The heresy which I am here to combat has flourished since the days of Coke on Littleton." Mr. O'Neal says that the writer of the address then proceeded to demolish the alleged heresy referred to, giving numerous authorities, among which were Chief Justice Marshall and Mr. Justice Story.

Mr. Angert has sent us a copy of his address. It is very interesting, and a masterly presentation of his theme, but it does not throw light on the author of the saying.

Mr. Daniel O'Connell, of San Francisco, Cal., writes: "I believe it was Daniel Webster who said: 'The Law is a Jealous Mistress.' My present

recollection is that it was in his oration on Rufus Choate."

Mr. M. M. Margolis, of Miami, Fla., writes: "I believe it was Blackstone. At the time he seriously undertook reading law, he was very much absorbed in literature, but, concluding that 'Law was a Jealous Mistress,' he finally decided to drop literature and devote all of his time to the 'Jealous Mistress'."

Mr. A. B. Ogle, of Belleville, Ill., writes: "Allow me to say that, somewhere from twenty-five to thirty years ago, I read Sharswood's Legal Ethics, and it seems to me that Judge Sharswood, the author in commenting upon the law as a profession, early in the work, uses the phrase 'The Law is a Jealous Mistress,' and refers to the author. The book is a small one, and, if it is easily accessible, to you, it would not take you long to look through it. I do not happen to have the work, or know where I can put my hands upon it, or I would try to verify my recollection myself."

Judge Henry F. Mason, of the Supreme Court of Kansas, writes that John T. Richards, in his book, "Abraham Lincoln, the Lawyer and Statesman," attributes this phrase to Judge Sharswood, in his memoir introductory to his edition of Blackstone, copyrighted in 1859, saying: "It is not uncommon to hear the expression, 'The Law is a Jealous Mistress'."

Mr. M. Eugene Culver, of Middletown, Conn., is the only one of our correspondents who makes serious claim to having actually discovered the author. After stating that he became interested in the search, he says: "I finally ran it down by process of elimination, after having looked in 'Coke on Littleton,' 'Sharswood's

Blackstone,' and 'Broom's Legal Maxims'; also some other books. I remember that some thirty or forty years ago I had read an address by Judge Story to some law students of Harvard University. After some trouble I found a large volume of 'Miscellaneous Writings of Joseph Story,' Associate Justice of the Supreme Court of the United States, and Dane Professor of Law at Harvard University, edited by his son, William W. Story and published in Boston by Charles C. Little and James Brown in 1852, and in a discourse entitled 'The Value and Importance of Legal Studies,' which he pronounced when he was inaugurated Dane Professor of Law at Harvard, on August 25, 1829, on page 523, is this paragraph: 'The student, therefore, should at his first entrance upon the study weigh well the difficulties of his task, not merely to guard himself against despondency on account of expectations too sanguinely indulged, but also to stimulate his zeal by a proper estimate of the value of perseverance. He who has learned to survey the labor without dismay has achieved half the victory. I will not say, with Lord Hale, that "the Law will admit of no rival, and nothing to go even with it;" but I will say that it is a jealous mistress, and requires a long and constant courtship. It is not to be won by trifling favors, but by lavish homage'—the last three lines of which contain the expression with reference to law as a jealous mistress. There would seem to be no question but this is the origin of this expression, as Justice Story gives it as his own."

Mr. F. J. Trudell, Menominee, Mich., gives us a modern citation. He says: "As it is always a pleasure to read the Docket, I settled back and started. To my utter astonishment I read what your editorial staff had to say as to the quotation 'The Law is a Jealous

Mistress.' Can it be that the members of your editorial staff and the members of the Colorado Bar Association have so far neglected to round out their legal education as not to have read Tutt and Mr. Tutt by Arthur Train? Open his book at page 92, and there you will find, in his story entitled Samuel and Delilah, the following: 'The Law may be, as Judge Holmes has called it, "a Jealous Mistress'."—*The Docket*.

Dark Story

Two men who had traveled were comparing their ideas about foreign cities.

"London," said one, "is certainly the foggiest place in the world."

"Oh, no, it's not," said the other. "I've been in a place much foggier than London."

"Where was that?" asked his interested friend.

"I don't know where it was," replied the second man, "it was so foggy!"

—*Youth's Companion*.

Notice

"The annual convention of the Optimist Club will be held in Denver, July 6th to 9th, inclusive. No doubt it will be remembered that this organization was very generous in lending automobiles for use during the convention of the American Bar Association in Denver last Summer. We now have an opportunity to reciprocate by tendering cars for use at the Optimist's convention. All of those who will have automobiles available for such use between the above dates should communicate with L. R. Bach, Chairman of the Transportation Committee, with headquarters at the Cosmopolitan Hotel."