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The Jealous Mistress

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The Jealous Mistress

Two or three months ago we received in the mail a brown colored envelope, across the left corner of which was typewritten the words, "The Jealous Mistress." Thinking this was a new form of advertising, we were about to throw the same into the common receptacle for such matter, but curiosity led us to look within. We then encountered for the first time the monthly publication of the Colorado Bar Association. In subsequent issues, we have noticed a considerable controversy waging as to who first designated the law as a "Jealous Mistress," and in the last issue we discovered that they have now decided to give the credit to our old friend, Blackstone. It seems that a layman by the name of Herbert Quick, who has a habit of writing for the Saturday Evening Post, has been the possessor of this valuable information and has at last released the same. We refer the editor and those in quest of the author of this appellation to Mr. Quick's article in the current Saturday Evening Post, the material part of which reads as follows:

"One of the really scholarly and profound lawyers then practicing in Mason City was Mr. John Cliggitt, who had been the partner of Capt. George R. Miller in his lifetime. Captain Miller was the father of my good friends, Tom B. and Reverdy J. Miller, and I suppose they spoke a good word for me to Mr. Cliggitt, as did my dear friend, Duncan Rule, then clerk of the courts, who had studied under Mr. Cliggitt and was merely awaiting the expiration of his term of office to assume a partnership in the firm of Cliggitt & Rule. So when I went to Mr. Cliggitt to ask the favor of a place in his office and the benefit of his guidance in my studies, I found him ready to receive me.

"He was a remarkable man. When I went into his office for my first interview he was sitting at a desk half covered with books, in a hard, straightbacked chair, with its legs

drawn forward so that it stood on its two hind feet. This was his characteristic attitude when studying. He had a theory, as I discovered, that a man engaged in legal investigation should not be too comfortable in his chair. He was what we used to call a textbook lawyer; that is, he placed great value on commentaries and legal principles as against reports of actual decisions. Therefore, he had the best textbook library in that part of the state.

"There are two points of view," said he, looking me over seriously with his large brown eyes, 'as to the best course of study for a man trying to learn the law. One is the old-fashioned system of studying the commentaries on the law written by the great legal lights of the profession, and mastering its basic principles. The other is to emphasize the cases which have been decided by men who as a rule don't average as great legal lights, but happen to sit on the benches of our courts of last resort. Some of our law schools are adopting the case-law course of study. I do not believe in it. Therefore I think you had better begin, as I did, with Blackstone. After you have gone through that, we'll see.'

"John Cliggitt took his law mighty seriously. I must have been a source of some annoyance to him, for my tendency was to make a joke of everything. He had his sense of humor; but when I looked over the titles of his textbooks and laughed at such titles as 'Ram on Facts' and 'Rorer on Railroads,' he did not respond. Who was I to make a jest of such things?

"Captain Miller, his former partner, had been for a long time an invalid, and had brought into the office a great easy chair. One day Mr. Cliggitt came in and found me comfortably ensconced in this chair, reading Blackstone. He gently suggested that such sybaritism was antagonistic to the stern pursuit of the basic principles of the law.

"The law,' he said, 'is a jealous mistress.' * * * *"

Thus endeth the quest.