THE LONG ARM OF THE LAW

by Martha Emmons

Since the first law, in the Garden of Eden, man has chosen to pit
himself and his judgment against any regulation of his conduct.
From the first, homo sapiens has been trying to circumvent, short-
circuit, or else stretch out the law to suit his own purpose. Over-
looking all thought of the original purpose of law, either of God or
of man, which has always been for the well-being of those gov-
erned, man is still playing the old game: man versus the law. Some-
times he does it by far-fetched interpretations, sometimes by
unwarranted assumption, sometimes by simply gambling that he
will not get caught this time.

No doubt it was true of the cave man. Certainly it was of the
ancient Hebrews. Even believing as they did believe in the divine
origin of their law, they still played the game. Amos thundered at
their oblique methods of undermining the law. “You make the
ephah small,” he declared, “and the shekel large,” and in other
ways subverted justice, to the disadvantage of those most needing
the law’s protection.

In the time of Christ many pious ones shouted loudly for “the
law of our fathers,” but still made interpretations of that sacred law
for their own convenience. In the matter of Sabbath observance—
which from the first to our own day was designed to revitalize the
old human machine with a regular day of rest—even in this matter,
strict legalists devised ways and means of bending the Sabbath to
their convenience and pleasure. They defined a Sabbath day’s jour-
ney as two thousand cubits from home. Then, what was home? Again a definition. Home was a place where one had possessions. Easy. Simply send a servant down the road a day or so beforehand,
to a place within the prescribed distance from their goal (or better still, at two-thousand-cubit distances all along the way) leave an old sandal, a cracked earthen pot, or another trifling object not likely to be blown away; then the master’s household could travel along at their own speed, go any distance agreeable with them, and still break no law. Law abiding citizens they. As for those who had no servants or slaves, let them by all means obey the law.

To sweep on down the centuries and cross an ocean or two, we find in Puritan New England instances of Sabbath travel, and some rather original defenses of it. Once a pious Puritan was stopped by minions of the law.

“Stop, Goodman Brown. You are breaking a law of the colony and of God. Wherefore are ye traveling on holy Sabbath?”

“Ay, me!” came dolefully from the devout one. “Know ye that my good wife lies dead just beyond yon hill.”

All compassion, the guard said, “Oh, pass, Brother, and peace be with ye.”

“and has so lain for fifteen years,” finished the traveler when out of earshot of the guard.

Then there was the Swede in Minnesota who killed a Norwegian in the field one day. He went into town, sought out a Swede lawyer, and asked him to take his case. The lawyer listened to the man’s story, then advised, “Vell, you come back about next Wednesday, and I’ll see vat I can do for you.” The lawyer studied early, he studied late, going through one law book after another. When his client returned on the appointed day, the attorney said, “Vell, Oley, it look bad. I bane study all de books, and I find novere vat you get bounty for keel norveg’n.”

That is probably one of those traveling anecdotes, and may bob up anywhere among unfriendly ethnic groups. But the one I give you next is no traveling anecdote. It came to me through a long-time friend of the judge in the story, and he solemnly attested its truth. He said that this judge came into his courtroom one morn-
ing and to his embarrassment pulled out from his pocket what he thought was a copy of a certain law plus a record of some precedents connected with it; but it turned out to be an old Latin textbook that belonged to one of his (the judge’s) children. It was too late for him to go back and get the book he needed. Accordingly he addressed the jury, said a few words about the law in question, then solemnly stated: “Because of the gravity of this case, I have delved into the history of it; and for my ruling I go far beyond the precedents of our day, and far beyond the ocean’s brine, back to the days of ancient Rome, the source of all the legal systems of the western world. I cite these words: ‘Gallia est omnis divisa in partes tres.’”

But to get on down to Texas. We’ll consider the man who did more than any other one person to establish a system of courts in the Republic of Texas—Judge R. M. Williamson, better known as “Three-Legged Willie.” By some he was considered a ruffian, by others a brilliant, capable, fearless justice. Maybe he was a “little of both, if you please.” By whatever classification, by whatever style he may be considered, he did come in at a perilous time, and did resolutely go about setting up a legal system in Texas; and those who sought to get around or ignore his court found in Judge Robert McAlpin Williamson a foeman worthy of their steel.

One story, which has many variants, tells of a drunken lawyer who was arguing a case before Judge Williamson.

“Where is the law to support your contention?” the Judge asked the ranting one.

“There’s the law,” snorted the inebriate, as he ripped out his bowie knife.

Judge Williamson pointed the muzzle of a long-barreled pistol at the lawyer and calmly replied, “And there’s the Constitution. The Constitution overrides the law any day. Mr. Sheriff, you will please call the grand jury.”

In that incident the redoubtable judge had no forewarning; he simply acted with the calmness and reassurance of one armed with knowledge, and with appropriate weapon at hand. On another
occasion he did know about the intended action, and he came to court ready to do battle for law and justice. A group of irate citizens had decided against “Old Sam Houston’s tomfoolery” and were not disposed to allow any court-holding. Guns and knives were in evidence all over the place. The judge entered, took his seat, and with a long rifle at his left elbow and a pistol at the other, solemnly and judgmatically intoned: “Hear ye! Hear ye! Third District court is either now in session, or, by God, somebody’s going to get killed.” Court remained in session.5

Along with courts, laws, and judges, there were always lawyers. Concerning them, legends abound. I give you one epitaph and one story. A visitor in a cemetery noted an epitaph: Here lies John Doe, a lawyer and an honest man. “Well,” remarked the visitor, “one would hardly think that grave looks large enough for two bodies.”

The story concerns a lawyer mighty in word and deed, and certainly mighty in defense, who once lived in a town near Waco. I heard it from a citizen of the lawyer’s home town, and a friend of his. According to this upstanding citizen, now deceased, a ranchman out near Odessa had a land feud with another ranchman, and eventually killed the man. He had heard of the fine lawyer, called him long distance, and asked him to take his case.

The lawyer asked him: “Did you kill the man?”
“Yes. I killed him,” replied the rancher.
“What weapon did you use?”
“I shot him with a gun which I had on my person.”
“Did anyone see you kill him?”
“No.”
“Have you discussed the case with anybody?”
“No.”
“Then,” said the lawyer, “I can leave here on the train at four this afternoon, and should arrive in Odessa before noon tomorrow. I’ll bring two eyewitnesses with me.”

A more recent case in law involves an application for an RFC Loan. The story comes to me from Washington. A New Orleans
lawyer sought an RFC Loan for a client. He was told that the loan would be granted if he could prove satisfactory title to property offered as collateral. The title dated back to 1803, and he had to spend three months running it down.

After sending the information to RFC he got this reply: “We received your letter today enclosing application for loan for your client, supported by abstract of title. Let us compliment you on the manner in which you prepared and presented the application. However, you have not cleared the title before the year 1803, and therefore, before final approval can be accorded the application, it will be necessary that the title be cleared back of that year.”

Annoyed, the lawyer replied:

“Your letter regarding titles in Case No. 180156, received. I note that you wish titles extended further back than I have presented them. I was unaware that any educated man in the world failed to know that Louisiana was purchased from France in 1803. The title to the land was acquired by France, from Spain in the year 1800. It was acquired for Spain by a sailor named Christopher Columbus, who had been granted the privilege of seeking a new route to India by the then reigning monarch, Isabella. The good queen, being a pious woman and as careful about titles, almost, I might say, as the RFC, took the precaution of securing the blessing of the Pope on the voyage before she sold her jewels to help Columbus. Now the Pope as you know is the emissary of Jesus Christ; and God, it is commonly accepted, made the world. Therefore, I believe it is safe to presume that He also made that part of the United States called Louisiana, and I hope to hell you are satisfied.”

ENDNOTES

2. I heard a lawyer from Minnesota tell this story. I make no claims for its validity.
3. My authority for this was Dr. A. M. Proctor from Duke University. He declared it was true.
5. Ibid. 271.
The author/Secretary-Editor, Ken Untiedt, as a very young police officer