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# SHAKESPEARE FOR THE LAW STUDENT

EDWARD J. BANDER\*

Shakespearean scholarship has been sadly neglected in American law reviews.<sup>1</sup> State and local bar journals have somewhat made up for this lacunae with penetrating bits on Shakespearean performances at the Inns of Court,<sup>2</sup> annotations suggesting cases that inspired dramatic flurries<sup>3</sup> and the perennial and exhaustive efforts to prove Shakespeare a conveyancer,<sup>4</sup> a committee<sup>5</sup> or an imposter.

It is my contention that the plays attributed to Shakespeare contain many cryptic comments on the law, never fully explored before by scholar, historian<sup>6</sup> or lawyer. In the nature of Beard's *An Economic Interpretation of the Constitution of the United States* (1913), I have simply listed the evidence available in my reading of the plays as well as interpretations of them found mainly in a legal environment in the hope that those more versed in the various problems of Shakespearean scholarship can establish more concretely whatever theory to which they have subscribed.

No attempt has been made to associate the source of the heading with the quotation. Where I have been remiss, I apologize to those, who through innocence, inadvertance, or intention contributed to this article. I am also indebted to Mr. Peter Kihss, of the New York Times, who found this aspect of a "Shakespeare and the Law" exhibit at the New York University School of Law worthy of public attention.<sup>7</sup>

## ABUSE OF PROCESS

. . . [A]lily-libered, action-taking knave,

KING LEAR (II ii 18)

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1. *The Index to Legal Periodicals* from 1961 through August of 1966 has no biographical entries for Shakespeare. For a bibliography of Shakespeare, including many law review items of bygone years, see 19 RECORD OF N.Y.C.B.A. 325 (1964). For a caveat on the use of Shakespeare, see BIDDLE, MR. JUSTICE HOLMES 145 (1942).

2. Bauman, *Law in the Time of Shakespeare*, 59 THE BRIEF 163 (1964).

3. Cohen, *Shakespeare's Legal Parody*, 11 ADVOCATE 232 (1964).

4. Gibson, *Shakespeare in the Sonnets*, 61 L. SOC. GAZ. 23 (1964).

5. Phillips, *The Law Relating to Shakespeare*, 80 L.Q. REV. 399, 418 (1964).

6. Unfortunately this article was completed too late for evaluation by ROWSE, WILLIAM SHAKESPEARE (1963).

7. N.Y. Times, July 19, 1964, p. 68, col. 1.

## ACTION ON THE CASE

- Dro.S. I do not know the matter; he is 'rested  
on the case.
- Adr. What, is he arrested? Tell me at whose suit.
- Dro.S. I know not at whose suit he is  
arrested well;  
But he's in a suit of buff which 'rested him,  
that can I tell.

COMEDY OF ERRORS (IV ii 42)

## ADMINISTRATIVE OFFICIALS

- . . . [P]elting, petty officer . . . Drest in a  
little brief authority,  
Most ignorant of what he's most assured, . . . .  
Plays such fantastic tricks . . . As make the  
angels weep.

MEASURE FOR MEASURE (II ii 112)

## ADVERSARY SYSTEM OF LAW

- And do as adversaries do in law,  
Strive mightily, but eat and drink as friends.

THE TAMING OF THE SHREW (I ii 278)

## ADVERSE POSSESSION

- The law hath not been dead, though it hath slept.

MEASURE FOR MEASURE (II ii 90)

## ADVISING A WITNESS

- Assume a virtue, if you have it not.

HAMLET (III iv 160)

## ADVOCACY AT ITS WORST

- In law, what plea so tainted and corrupt  
But, being seasonéd with a gracious voice,  
Obscures the show of evil?

MERCHANT OF VENICE (III ii 74)

## AMERICAN REPORTING SYSTEM

- Bring me no more reports; let them fly all.

MACBETH (V iii 1)

### BAIL BOND PROGRAM

Now, trust me, were it not against our laws,  
 Against my crown, my oath, my dignity,  
 Which princes, would they, may not disannul,  
 My soul should sue as advocate for thee.  
 But, though thou art adjudged to the death  
 And passed sentence may not be recall'd  
 But to our honour's great disparagement,  
 Yet I will favour thee in what I can.  
 Therefore, merchant, I'll limit thee this day  
 To seek thy help by beneficial help:  
 Try all the friends thou hast in Ephesus;  
 Beg thou, or borrow, to make up the sum,  
 And live; if no, then thou art doom'd to die.  
 Gaoler, take him to thy custody.

COMEDY OF ERRORS (I i 143)

### BAIL BONDSMEN

Go with me to a notary, seal me there  
 Your single bond; and, in a merry sport,  
 If you repay me not on such a day,  
 In such a place, such sum or sums as are  
 Express'd in the condition, let the forfeit  
 Be nominated for an equal pound  
 Of your fair flesh, to be cut off and taken  
 In what part of your body pleaseth me.

MERCHANT OF VENICE (I iii 146)

### BRANDEIS BRIEF

Glen. I can call spirits from the vasty deep.  
 Hots. Why, so can I, or so can any man;  
 But will they come when you do call for them?

1 HENRY IV (III i 53)

### CASES—BELIEVING IN EVERY ONE YOU ACCEPT

... [F]or there is nothing either good or bad, but thinking makes it so. . . .

HAMLET (II ii 255)

### CASES THAT SHOULD HAVE BEEN WON

Edmund. This is the excellent foppery of the world,  
 that, when we are sick in fortune—often the surfeit  
 of our own behaviour—we make guilty of our disasters

the sun, the moon, and the stars, as if we were  
villains by necessity, fools by heavenly compulsion;  
knaves, thieves, and treachers, by spherical predom-  
inance; drunkards, liars, and adulterers, by an  
enforced obedience of planetary influence; and all  
that we are evil in, by a divine thrusting on:  
an admirable evasion of whoremaster man, to lay  
his goatish disposition to the charge of a star!

KING LEAR (I ii 128)

#### CERTIORARI, DENYING

I think, but dare not speak.

MACBETH (V i 87)

#### CIRCUMSTANTIAL EVIDENCE

Who finds the heifer dead and bleeding fresh,  
And sees fast by a butcher with an axe,  
But will suspect 'twas he that made the slaughter?  
Who finds the partridge in the puttock's nest,  
But may imagine how the bird was dead,  
Although the kite soar with unbloodied beak?  
Even so suspicious is this tragedy.

2 HENRY VI (III ii 188)

#### COMITY

The duke cannot deny the course of law:  
For the commodity that strangers have  
With us in Venice, if it be denied,  
Will much impeach the justice of his state;  
Since that the trade and profit of the city  
Consisteth of all nations.

MERCHANT OF VENICE (III iii 26)

#### CONFRONTATION

King Richard. Then call them to our presence; face  
to face,  
And frowning brow to brow, ourselves will hear  
The accuser and the accused freely speak.

RICHARD II (I i 15)

#### CONGRESSIONAL COMMITTEE, BEING SUBPOENAED BEFORE

A heavy summons lies like lead upon me,

MACBETH (II i 5)

## CONSPIRACY

They fell together all, as by consent;

THE TEMPEST (II i 203)

## CONSTITUTIONAL LAW, ON TEACHING

But in these cases

We still have judgment here; that we but teach  
Bloody instructions, which, being taught return  
To plague the inventor: this even-handed justice  
Commends the ingredients of our poison'd chalice  
To our own lips.

MACBETH (I vii 7)

## CONTRACTS TO MAKE WILLS

Pet. . . . Then tell me, if I get your daughter's love,  
What dowry shall I have with her to wife?

Bap. After my death the one half of my lands,  
And in possession twenty thousand crowns.

Pet. And, for that dowry, I'll assure her of  
Her widowhood, be it that she survive me,  
In all my lands and leases whatsoever:  
Let specialties be therefore drawn between us,  
That covenants may be kept on either hand.

Bap. Ay, when the special thing is well obtain'd,  
That is, her love; for that is all in all.

Pet. Why, that is nothing; . . .

TAMING OF THE SHREW (II i 120)

## CONVEYANCING

O, what a happy title do I find,

SONNET XC ii

## COURT APPOINTED COUNSEL

Then 'tis like the breath of an unfee'd lawyer;

KING LEAR (I iv 142)

## COURT HOURS

Great business must be wrought ere noon.

MACBETH (III v 22)

## CREDITORS' RIGHTS

Security is mortals' chiefest enemy.

MACBETH (III v 32)

## CUSTOM

That monster, custom, who all sense doth eat,  
 Of habits devil, is angel yet in this,  
 That to the use of actions fair and good  
 He likewise gives a frock or livery,  
 That aptly is put on.

HAMLET (III iv 161)

## DEANS

O, my offence is rank,

HAMLET (III iii 36)

'tis a burden

Too heavy for a man that hopes  
 for heaven!

HENRY VIII (III ii 384)

## DEFAMATION

For slander lives upon succession,  
 For ever housed where it gets possession.

THE COMEDY OF ERRORS (III i 105)

The purest treasure mortal times afford  
 Is spotless reputation: that away  
 Men are but gilded loam or painted clay.

RICHARD II (I i 177)

Who steals my purse steals trash; 'tis something,  
 nothing;  
 'Twas mine, 'tis his, and has been slave to  
 thousands;  
 But he that filches from me my good name  
 Robs me of that which not enriches him  
 And makes me poor indeed.

OTHELLO (III iii 157)

## DEFAMATION—GROUP LIBEL

He hath disgraced  
 me, and hindered me half a million; laughed at  
 my losses, mocked at my gains, scorned my nation,  
 thwarted my bargains, cooled my friends,  
 heated mine enemies; and what's his reason? I  
 am a Jew. Hath not a Jew eyes? hath not a  
 Jew hands, organs, dimensions, senses, affectations,

passions? fed with the same food, hurt with the same weapons, subjected to the same diseases, healed by the same means, warmed and cooled by the same winter and summer, as a Christian is? if you prick us, do we not bleed? if you tickle us, do we not laugh? if you poison us, do we not die? and if you wrong us, shall we not revenge?

MERCHANT OF VENICE (III i 56)

#### DEFENSE COUNSEL IN A TORT CASE

Not a hair perish'd;  
On their sustaining garments not a blemish,  
But fresher than before,

THE TEMPEST (I ii 217)

#### DEMONSTRATIVE EVIDENCE—USE OF SKULLS

[Takes the skull.] Alas, poor Yorick! I knew him, Horatio; a fellow of infinite jest, of most excellent fancy. He hath borne me on his back a thousand times; and now, how abhorred in my imagination it is! my gorge rises at it. Here hung those lips that I have kissed I know not how oft. Where be your gibes now? your gambols? your songs? your flashes of merriment, that were wont to set the table on a roar?

HAMLET (V i 202)

#### DIGESTS

They have been at a great feast of languages, and stolen the scraps.

LOVE'S LABOUR'S LOST (V i 39)

#### DISBARMENT

Reputation, reputation, reputation! O, I have lost my reputation! I have lost the immortal part of myself, and what remains is bestial. My reputation, Iago, my reputation.

OTHELLO (II iii 262)

#### DIVORCE LAWYERS

He counsels a divorce; a loss of her  
That, like a jewel, has hung twenty years  
About his neck, yet never lost her lustre;

Of her that loves him with that excellence  
 That angels love good men with; even of her  
 That, when the greatest stroke of fortune falls,  
 Will bless the King. And is not this course pious?  
 Cham. Heaven keep me from such counsel!

HENRY VIII (II ii 31)

### DRIVING UNDER THE INFLUENCE

Holding the eternal spirit, against her will,  
 In the vile prison of afflicted breath.

KING JOHN (III iv 18)

### DYING DECLARATIONS

O, but they say the tongues of dying men  
 Enforce attention like deep harmony:  
 Where words are scarce, they are seldom spent  
   in vain,  
 For they breathe truth that breathe their  
   words in pain.

RICHARD II (II i 5)

### ELECTRICAL PRICE CONSPIRACY

Pomp. Ah, this thou shouldst have done,  
 And not have spoke on't! In me 'tis villainy;  
 In thee't had been good service. Thou must know,  
 'Tis not my profit that does lead mine honour;  
 Mine honour, it. Repent that e'er thy tongue  
 Hath so betray'd thine act; being done unknown,  
 I should have found it afterwards well done;  
 But must condemn it now. Desist, and drink.

ANTONY & CLEOPATRA (II vii 79)

### EQUAL RIGHTS

Edm. Thou, nature, art my goddness; to thy law  
 My services are bound. Wherefore should I  
 Stand in the plague of custom, and permit  
 The curiosity of nations to deprive me,  
 For that I am some twelve or fourteen moonshines  
 Lag of a brother? Why bastard? Wherefore base?  
 When my dimensions are as well compact,  
 My mind as generous, and my shape as true,  
 As honest madam's issue? Why brand they us

With base? with baseness? bastardy? base, base?  
 Who in the lusty stealth of nature, take  
 More composition and fierce quality  
 Than doth, within a dull, stale, tired bed,  
 Go to the creating a whole tribe of fops,  
 Got 'tween asleep and wake? Well, then,  
 Legitimate Edgar, I must have your land.  
 Our father's love is to the bastard Edmund  
 As to the legitimate: fine word, 'legitimate!'  
 Well, my legitimate, if this letter speed,  
 And my invention thrive, Edmund the base  
 Shall top the legitimate. I grow; I prosper  
 Now, gods, stand up for bastards!

KING LEAR (I ii 1)

### EQUITY

Foul subornation is predominant  
 And equity exiled in your Highness' land.

2 HENRY VI (II i 145)

The quality of mercy is not strain'd  
 It droppeth as the gentle rain from heaven,  
 Upon the place beneath: it is twice blest;  
 It blesseth him that gives and him that takes:  
 'Tis mightiest in the mightiest: it becomes  
 The throned monarch better than his crown;  
 His sceptre shows the force of temporal power,  
 The attribute to awe and majesty,  
 Wherein doth sit the dread and fear of kings;  
 But mercy is above this sceptred sway;  
 It is enthroned in the hearts of kings,  
 It is an attribute to God himself;  
 And earthly power doth then show likest God's  
 When mercy seasons justice. Therefore, Jew,  
 Though justice by the plea, consider this,  
 That, in the course of justice, none of us  
 Should see salvation: we do pray for mercy;  
 And that same prayer doth teach us all to render  
 The deeds of mercy. I have spoke thus much  
 To mitigate the justice of thy plea;  
 Which if thou follow, this strict court of Venice  
 Must needs give sentence 'gainst the merchant  
 there,

MERCHANT OF VENICE (IV i 186)

## ESTATE PLANNING

He was a gentleman on whom I built an absolute trust.

MACBETH (I iv 14)

## EXPERT WITNESS

. . . I ever Have studied physic, through which secret art,  
By turning o'er authorities, I have,  
Together with my practice, made familiar  
To me and to my aid the blest infusions

PERICLES (III ii 31)

## FEDERAL BUREAU OF INVESTIGATION

. . . [T]he villain shall not 'scape;  
The Duke must grant me that. Besides, his picture  
I will send far and near, that all the kingdom  
May have due note of him;

KING LEAR (II i 83)

## FINE AND RECOVERY

Dro.S. There's no time for a man to recover  
his hair that grows bald by nature.  
Ant. S. May he not do it by fine and recovery?

COMEDY OF ERRORS (II ii 73)

## FLUNKING STUDENT

Ye turn me into nothing. Woe upon ye  
And all such false professors!

HENRY VIII (III i 114)

## FOOLS FOR CLIENTS

And yet, methinks, I could be well content  
To be mine own attorney in this case.

1 HENRY VI (V iii 165)

## FOOTNOTES

Small have continual plodders ever won  
Save base authority from others' books

LOVE'S LABOUR'S LOST (I i 86)

## GRADUATING LAW SCHOOL

That you do bend your eye on vacancy

HAMLET (III iv 117)

## GREAT CASES MAKING BAD LAW

. . . [T]hat superfluous case  
That hid the worse and show'd the better face.

LOVE'S LABOUR'S LOST (V ii 387)

## HEARSAY RULE

Thieves are not judged but [i.e. unless] they  
are by to hear,  
Although apparent guilt be seen in them;

RICHARD II (IV i 123)

The great duke

Came to the bar . . .  
The King's attorney on the contrary,  
Urged on the examinations; proofs, confessions  
Of divers witnesses; which the Duke desired  
To have brought *viva voce* to his face;  
At which appear'd against him his surveyor,

HENRY VIII (II i 11)

## HOUSE COUNSEL

. . . [A]nd bestow  
Your needful counsel to our business,  
Which craves the instant use.

KING LEAR (II i 127)

## IMMUNITY UPON TESTIFYING

In the corrupted currents of this world  
Offence's gilded hand may shove by justice,  
And oft 'tis seen the wicked prize itself  
Buys out the law: But 'tis not so above;  
There is no shuffling, there the action lies  
In his true nature; and we ourselves compell'd,  
Even to the teeth and forehead of our faults,  
To give in evidence

HAMLET (III iii 57)

## INNOCENT ACCUSED

Char. . . . The man is innocent.  
Cleo. Some innocents 'scape not the thunderbolt.

ANTONY & CLEOPATRA (II v. 76)

## INSANITY

. . . [F]or, to define true madness,  
What is't but to be nothing else but mad?

HAMLET (II ii 93)

Though this be madness, yet there is method in't.

HAMLET (II ii 208)

## INTERROGATORIES

And charge us there upon inter'gatories,  
And we will answer all things faithfully.

MERCHANT OF VENICE (V i 298)

## JUDGE BEING OVERRULED

Beat at this gate, that let thy folly in,  
[striking his head.]  
And thy dear judgment out!

KING LEAR (I iv 293)

## JUDICIAL ACTIVISM

There are more things in heaven and earth  
Horatio,  
Than are dreamt of in your philosophy.

HAMLET (I v 167)

## JUDICIAL ATTITUDE

More authority, dear boy, name more;

LOVE'S LABOUR'S LOST (I ii 70)

## JUDICIAL QUALIFICATIONS

[A] gentleman of excellent breeding,  
admirable discourse, of great admittance,  
authentic in your place and person,  
generally allowed for your many war-like,  
court-like, and learned preparations.

MERRY WIVES OF WINDSOR (II ii 234)

## JUDICIAL STATESMANSHIP

To cast beyond ourselves in our opinions

HAMLET (II i 114)

## JURY

The jury passing on the prisoner's life,  
 May in the sworn twelve have a thief or two  
 Guiltier than him they try.

MEASURE FOR MEASURE (II i 19)

## JURY—SUMMING UP TO

Long. O, some authority how to proceed;  
 Some tricks, some quillets, how to cheat the devil.  
 Dum. Some salve for perjury.

LOVE'S LABOUR'S LOST (IV iii 286)

## LAW

I stand here for law

MERCHANT OF VENICE (IV i 142)

## LAW AND EQUITY (see also EQUITY)

Let us once lose our oaths to find ourselves, 3 ems  
 Or else we lose ourselves to keep our oaths.  
 It is religion to be thus forsworn,  
 For charity itself fulfills the law,  
 And who can sever love from charity?

LOVE'S LABOUR'S LOST (IV iii 361)

Lear. I will arraign them  
 [To Edgar] Come, sit thou here, most learned justicer; . . .  
 Kent. . . . Will you lie down and rest upon the cushions?  
 Lear. I'll see their trial first. Bring in the  
 evidence.

[To Edgar] Thou robed man of justice, take thy place;  
 [To the Fool] And thou, his yoke-fellow of equity,  
 Bench by his side. [To Kent] you are o' the commission,  
 Sit you too.

KING LEAR (III vi 21)

## LAW SCHOOL MEMORIES

Justice Shallow. Jesu, Jesu, the mad days  
 that I have spent!

2 HENRY IV (III ii 36)

THE LAW'S DELAY      HAMLET (III i 72)

## LAWYER

Why may not that be the skull of a lawyer?  
 Where be his quiddities now, his quilllets,  
 his cases, his tenures, and his tricks? Why does he  
 suffer this rude knave now to knock him about the sconce with  
 a dirty shovel, and will not tell him of his action of  
 battery? Hum! This fellow might be in's time a great buyer  
 of land, with his statutes, his recognizances, his fines, his  
 double vouchers, his recoveries. Is this the fine of his  
 fines, and the recovery of his recoveries, to have his fine  
 pate full of fine dirt? Will his vouchers vouch him no more  
 of his purchases, and double ones too, than the length and  
 breadth of a pair of indentures? The very conveyances of  
 his lands will hardly lie in this box; and must the inheritor  
 himself have no more, ha?

HAMLET (V i 105)

Dick. The first thing we do, let's kill all the lawyers.  
 Cade. Nay, that I mean to do. Is not this a lamentable  
 thing, that of the skin of an innocent lamb should be made  
 parchment? that parchment, being scribbled o'er, should undo a  
 man? Some say the bee stings: but I say, 'tis the bee's wax;  
 for I did but seal once to a thing, and I was never mine own  
 man since.

2 HENRY VI (IV ii 84)

## LAWYER—AS ARTIST

The man that hath no music in himself,  
 Nor is not moved with concord of sweet sounds,  
 Is fit for treasons, stratagems and spoils;  
 The motions of his spirit are dull as night  
 And his affections dark as Erebus:  
 Let no such man be trusted. Mark the music

MERCHANT OF VENICE (V i 83)

## LAWYER—STRUGGLING

Faith, I have been a truant in the law,  
 And never yet could frame my will to it;  
 And therefore frame the law unto my will . . .  
 I have perhaps some shallow spirit of judgment;  
 But in these nice sharp quilllets of the law,  
 Good faith, I am no wiser than a daw.

1 HENRY VI (II iv 7)

## LEGAL INSTITUTES

Here let us breathe and haply institute  
A course of learning and ingenious studies.

TAMING OF THE SHREW (I i 8)

## LEGAL PARADISE

When every case in law is right;  
No squire in debt, nor no poor knight;  
When slanders do not live in tongues;  
Nor cutpurses come not to throngs;

KING LEAR (III ii 85)

## LEGAL SANCTIONS

Take but degree away, untune that string,  
And, hark, what discord follows! . . .  
Force should be right; or rather, right and wrong,  
Between whose endless jar justice resides,  
Should lose their names, and so should justice too.  
Then everything includes itself in power,  
Power into will, will into appetite;  
And appetite, an universal wolf, . . .  
Must make perforce an universal prey,  
And last eat up himself.

TROILUS & CRESSIDA (I iii 109)

## LETTER OF THE LAW

'tis mine and I will have it.  
If you deny me, fie upon your law!  
There is no force in the decrees of Venice.  
I stand for judgement: answer; shall I have it?

MERCHANT OF VENICE (IV i 100)

## LITIGINOUS SOULS

Good Lord, what madness rules in brainsick men,  
When for so slight and frivolous a cause  
Such factious emulations shall arise?

1 HENRY VI (IV i 111)

LOSING A CASE (see also CASES THAT SHOULD HAVE BEEN  
WON)

When remedies are past, the griefs that ended  
By seeing the worst, which late on hopes depended.

To mourn a mischief that is past and gone  
Is the next way to draw new mischief on.

OTHELLO (I iii 201)

### LYING WITNESS

My lord, we have  
Stood here observing him. Some strange commotion  
Is in his brain; he bites his lip, and starts;  
Stops on a sudden, looks upon the ground,  
Then lays his finger on his temple; straight  
Springs out into fast gait; then stops again,  
Strikes his breast hard, and anon he casts  
His eye against the moon. In most strange postures  
We have seen him set himself.

HENRY VIII (III ii 112)

### MAFIA

O heavens! that this treason were not, or not I the detector!

KING LEAR (III v 13)

### MAGISTRATES

O that you could turn your eyes toward the napes of your necks, and make but an interior survey of your good selves! O that you could! . . . Why, then you should discover a brace of unmeriting, proud, violent, testy magistrates, alias fools, . . . You are ambitious for poor knaves' caps and legs. You wear out a good wholesome forenoon in hearing a cause between an orange-wife and a fosset-seller; and then rejoin the controversy of three pence to a second day of audience. When you are hearing a matter between party and party, if you chance to be pinched with the colic, you make faces like mummers; set up the bloody flag against all patience; and, in roaring for a chamber-pot, dismiss the controversy bleeding, the more entangled by your hearing. All the peace you make in their cause is calling both the parties knaves.

CORIOLANUS (II i 42)

### MAJORITY RULE

Son. What is a traitor?

L. Macd. Why, one that swears and lies.

Son. And be all traitors that do so?

L. Macd. Every one that does so is a traitor,  
and must be hanged.

Son. And must they all be hanged that swear and lie?

L. Macd. Every one.

Son. Who must hang them?  
 L. Macd. Why, the honest men.  
 Son. Then the liars and swearers are fools,  
 for there are liars and swearers enow to beat the  
 honest men and hang up them.

MACBETH (IV ii 46)

#### MAKING A FEDERAL CASE OF IT

Sir Hugh, persuade me not; I will make a  
 Star chamber matter of it

MERRY WIVES OF WINDSOR (I i 1)

#### MALUM PROHIBITUM

Every offence is not a hate at first.

MERCHANT OF VENICE (IV i 68)

#### MAN'S HOME IS HIS CASTLE

There's his chamber, his house, his castle, his  
 standing bed, and truckle-bed . . .

MERRY WIVES OF WINDSOR (IV v 7)

#### MARBURY V. MADISON

Stay!

Where's your commission, lords? Words  
 cannot carry  
 Authority so weighty.

HENRY VIII (III ii 233)

#### MERCY

No ceremony that to great ones 'longs,  
 Not the king's crown, nor the deputed sword,  
 The marshal's truncheon, nor the judge's robe  
 Become them with one half so good a grace  
 As mercy does.

MEASURE FOR MEASURE (II ii 59)

#### MERGERS

new created

The creatures that were mine, I say, or changed 'em,  
 Or else new form'd 'em; having both the key  
 Of officer and office, set all hearts in the state  
 To what tune pleased his ear;

THE TEMPEST (I ii 81)

## MOOT COURT BRIEF

they aim at it,  
And botch the words up fit to their own thoughts;

HAMLET (IV v 9)

## ON NATURAL LAW

May one be pardon'd and retain the offence?  
In the corrupted currents of this world  
Offence's gilded hand may shove by justice,  
And oft 'tis seen the wicked prize itself  
Buys out the law: but 'tis not so above;  
There is no shuffling, there the action lies  
In his true nature; and we ourselves compell'd,  
Even to the teeth and forehead of our faults,  
To give in evidence. What then? what rests?  
Try what repentance can. What can it not?  
Yet what can it when one can not repent?  
O wretched state! O bosom black as death!  
O limed soul, that, struggling to be free,  
Art more engaged! Help, angels! Make assay!  
Bow, stubborn knees; and, heart with strings  
of steel,  
Be soft as sinews of the new-born babe!  
All may be well.

HAMLET (III iii 56)

## OPPOSING COUNSEL'S WITNESS

a tale  
Told by an idiot, full of sound and fury,  
Signifying nothing.

MACBETH (V v 28)

## ORAL ARGUMENT

Speak the speech, . . . trippingly on the tongue:

HAMLET (III ii 1)

He draweth out the thread of his verbosity finer than  
the staple of his argument.

LOVE'S LABOUR'S LOST (V i 18)

## PAIN AND SUFFERING

And in the porches of my ears did pour  
The leperous distilment; whose effect

Holds such an enmity with blood of man  
 That swift as quicksilver it courses through  
 The natural gates and alleys of the body,  
 And with a sudden vigour it doth posset  
 and curd, like eager droppings into milk,  
 The thin and wholesome blood. So did it mine;  
 And a most instant tetter bard'd about,  
 Most lazar-like, with vile and loathsome crust,  
 All my smooth body. . . .  
 O, horrible! O, horrible! most horrible!

HAMLET (I v 63)

### PARDONS

For we may pity, though not pardon thee.

COMEDY OF ERRORS (I i 98)

May one be pardon'd and retain the offence.

HAMLET (III iii 56)

### PARTNERSHIP

sweet partner, I must not yet forsake you;

HENRY VIII (I iv 102)

### PATERNITY SUITS

Who woo'd in haste and means to wed at leisure.

TAMING OF THE SHREW (III ii 11)

### PER CURIAM

[A] wilful stillness entertain,  
 With purpose to be dress'd in an opinion  
 of wisdom, gravity, profound conceit,  
 As who should say, "I am Sir Oracle,  
 And when I ope my lips let no dog bark!"  
 O my Antonio, I do know of these  
 That therefore only are reputed wise  
 For saying nothing,

MERCHANT OF VENICE (I i 90)

### PERSONAL INJURIES

the thousand natural shocks  
 That flesh is heir to, . . . .

HAMLET (III i 62)

## POOR MAN'S CHANCE

Lear. . . . A man may see how this world goes with  
no eyes. Look with thine ears: see how yond justice  
rails upon yond simple thief. Hark, in thine ear:  
change places; and, handy-dandy, which is the justice,  
which is the thief? Thou has seen a farmer's dog  
bark at a beggar?

Glou. Ay, sir.

Lear. And the creature run from the cur?  
There thou mightst behold the great image of authority:  
a dog's obeyed in office. Thou rascal beadle,  
hold thy bloody hand!

Why dost thou last that whore? Strip thine own back;  
Thou hotly lust'st to use her in that kind  
For which thou whipp'st her. The usurer hangs the  
cozener.

Through tatter'd clothes small vices do appear;  
Robes and furr'd gowns hide all. Plate sin with gold,  
And the strong lance of justice hurtless breaks;  
Arm it in rags, a pigmy's straw does pierce it.  
None does offend, none, I say, none; I'll able 'em.  
Take that of me, my friend, who have the power  
To seal the accuser's lips. Get thee glass eyes;  
And, like a scurvy politician, seem  
To see the things thou dost not. Now, now, now, now.

KING LEAR (IV vi 153)

## PRE TRIAL

so shall my anticipation  
prevent your discovery,

HAMLET (II ii 304)

## RECUSATION

I do believe,  
Induced by potent circumstances, that  
You are mine enemy, and make my challenge  
You shall not be my judge; for it is you  
Have blown this coal betwixt my lord and me;  
Which God's dew quench. Therefore I say again,  
I utterly abhor, yea, from my soul  
Refuse you for my judge; whom, yet once more,  
I hold my most malicious foe, and think not  
At all a friend of truth.

. . .

I do refuse you for my judge; and here,  
 Before you all, appeal unto the Pope,  
 To bring my whole cause 'fore his Holiness,  
 And to be judged by him.

HENRY VIII (II 4 75)

### REFRESHING RECOLLECTION

Purpose is but the slave to memory,

HAMLET (III ii 198)

### RULE OF LAW

You are right, Justice, and you weigh this well;  
 Therefore still bear the balance and the sword:  
 And I do wish your honours may increase,  
 Till you do live to see a son of mine  
 Offend you and obey you, as I did.  
 So shall I live to speak my father's words:  
 "Happy am I, that have a man so bold,  
 That dares do justice on my proper son;  
 And not less happy, having such a son,  
 That would deliver up his greatness so  
 Into the hands of justice."

2 HENRY IV (V ii 102)

### SCOFFLAW

There cannot be those numberless offences  
 'Gainst me, that I cannot take peace with.

HENRY VIII (II i 84)

### SECOND OFFENDERS

It will help me nothing  
 To plead mine innocence; for that dye is on me  
 which makes my whitest part black.

HENRY VIII (I i 207)

### SENATORIAL COURTESY

Bra. Thou art a villain.  
 Iago.

You are—a Senator.

OTHELLO (I i 118)

## SETTLING A CASE

A peace is of the nature of a conquest;  
 For then both parties nobly are subdued,  
 And neither party loser.

2 HENRY IV (IV ii 89)

## SIGNING A CONTRACT

So to the laws at large I write my name:

LOVE'S LABOUR'S LOST (I i 156)

## STARE DECISIS

Which, unreversed, stands in effectual force—

TWO GENTLEMEN OF VERONA (III i 223)

## STOCKHOLDER ON HIS CORPORATE LIABILITY

Thou canst not say I did it.

MACBETH (III iv 49)

## TAX COMMISSIONER'S LAMENT

I tax not you, you elements,

KING LEAR (III ii 16)

## THREE JUDGE DISTRICT COURT

When shall we three meet again  
 In thunder, lightning, or in rain?

MACBETH (I i 1)

## TRIAL BY BATTLE

There shall your swords and lances arbitrate  
 The swelling difference of your settled hate:  
 Since we can not atone you, we shall see  
 Justice design the victor's chivalry.

RICHARD II (I i 200)

## TRYING A CASE

Be advised;  
 Heat not a furnace for your foe so hot  
 That it do singe yourself. We may outrun,  
 By violent swiftness, that which we run at,  
 And lose by over-running. Know you not

The fire that mounts the liquor till 't run o'er  
In seeming to augment it wastes it?

HENRY VIII (I i 139)

#### TURNING STATE EVIDENCE

Ye have angels' faces, but heaven knows  
your hearts.

HENRY VIII (III i 145)

#### UNIFORM STATE LAWS

[to do otherwise would]

rend and deracinate

The unity and married calm of states

TROILUS & CRESSIDA (I iii 99)

#### UTOPIA AND THE LAW

Had I plantation of this isle, my lord— . . .  
I' the commonwealth I would by contraries  
Execute all things; for no kind of traffic  
Would I admit; no name of magistrate;  
Letters should not be known; riches, poverty,  
And use of service, none; contract, succession,  
. . . none;  
. . . treason, felony,  
Sword, pike, knife, gun, or need of any engine,  
Would I not have; . . .

THE TEMPEST (II i 143)

#### VACATIONS

With lawyers in the vacation; for they sleep  
between term and term and then they perceive not  
how time moves.

AS YOU LIKE IT (III ii 349)

#### WALL STREET LAWYER

For the apparel oft proclaims the man,

HAMLET (I iii 72)

#### WILLIAMS, EDWARD BENNETT

What impossible matter will he make easy next?

THE TEMPEST (II i 89)

## WOMEN LAWYERS

I will make  
One of her women lawyer to me, for  
I yet not understand the case myself.

CYMBELINE (II iii 78)

## WORDS AND PHRASES

How every fool can play upon the word!

MERCHANT OF VENICE (III v 46)

## ON A COMPILER'S RIGHTS

And men may talk of kings, and why not I?

3 HENRY VI (III i 58)