Fordham Law Review

Volume 5 | Issue 3 Article 2

1936

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Recommended Citation
John H. Wigmore, *St. Ives, Patron Saint of Lawyers*, 5 Fordham L. Rev. 401 (1936).
Available at: http://ir.lawnet.fordham.edu/flr/vol5/iss3/2

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ST. IVES, PATRON SAINT OF LAWYERS

JOHN H. WIGMORE†

EVERY lawyer, I suppose, has heard that St. Ives is the patron saint of his profession. But it must have been in 1913 that, for me, he first came to be a real personage. We had spent a week at Pont-Aven in Brittany, the artists' favored resort on the south shore, and were starting west to St. Malo, thence to take ship for Southampton, when I happened to see, in the faithful Baedeker's "Northern France," two lines in small type, telling that at the picturesque fishing town of Tréguier the Cathedral contained the monument to "St. Yves (1252-1303), patron saint of advocates, who was born at Minihy, a village ¾ m. to the south." We determined to stop over long enough to spend a few hours there; and the visit was enough to arouse a deep interest in this wonderful man who in real life had set a standard—an unattainable one, perhaps—for our profession.

His biography has been written a dozen times in past centuries.[1] But a short sketch, from the lawyer's point of view, will suffice to make clear why the people wanted to place him in the calendar of saints.

A life of true and consistent unselfishness, full of good deeds, and devoted solely to one's immediate sphere of duty, will receive full measure of reverence from one's neighbors, and may even come to exercise a world-wide influence. Such is the moral to be drawn from the life of Ervoan Heloury Kermartin, of Tréguier in Brittany, after-

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This article was first published in (1932) 18 A. B. A. J. 157, and is reprinted with the kind permission of Professor Wigmore and of the AMERICAN BAR ASSOCIATION JOURNAL.

(EDITORIAL NOTE: *It is singularly appropriate that Professor Wigmore's paper should be given a place in the symposium in honor of St. Ives. His sympathetic tribute first directed the attention of the American Bar to the life and works of Ives Haelori; his sustained interest and enthusiasm in the juristic ideas of St. Ives were largely responsible for the movement which culminated in the presentation of the St. Ives Memorial Window to the Cathedral at Tréguier, Brittany, May 19, 1936. (See Wigmore,* A Visit to the Shrine of St. Ives, Patron of Our Profession (1932) 18 A. B. A. J. 794; St. Ives Memorial Window Design (1935) 21 A. B. A. J. 810). THE FORDHAM LAW REVIEW *is also indebted to Professor Wigmore for helpful aid and advice in preparing this memorial number.)*

1. The ultimate authentic source in print is now a quarto volume, prepared at the time of inaugurating his new monument at Tréguier in 1890, published by Prudhomme at St. Brieuc in 1887, and edited by several Breton scholars; MONUMENTS ORIGINAUX DE L'HISTOIRE DE SAINT YVES; this contains the depositions taken in 1330 at the proceedings for canonization.

There are also some monographs, based mostly on these documents, by Abbé France (1892), Prof. Paul Henry (1890?), and lawyer Ropartz (1856).

Professor Jobbé-Duval, in his large work on "Primitive Ideas in Contemporary Brittany," has collected the legends and customs about St. Ives' miraculous help to those who crave justice.

wards to be hailed as Saint Ivo (or Yves), patron saint of the legal profession.

All the data of his life are known as authentically as those of any modern personage. He came from a noble family having a small patrimony near Tréguier. Carefully brought up in his youth, and destined by his mother for the sacred calling, he was sent to Paris for his university studies, in 1267, at the age of 14. At that university (which had been founded only a century earlier) among his fellow-students were the (later) celebrated scholars Duns Scotus and Roger Bacon. Here he stayed for 10 years, studying rhetoric, theology, and canon law.

Even at the University, his unselfish and ascetic habits of life were already fixed. He slept only on a pallet of straw; he wore the humblest garments; he gave away the moneys that came to him; and often he shared his meals with the poor. All through his life (as verified by copious eye-witnesses in the proceedings for canonization) such was the continual record,—living with the barest necessities of shelter and clothing, sharing money and garments and food with the needy, and giving alms freely to the miserable beggars.

From Paris he went to Orleans, to complete his studies in the Roman law; for that subject was not then taught at Paris. It was during his three final student-years at Orleans (probably) that took place the celebrated incident of the Widow of Tours,—the only one of his hundreds of cases to which tradition has attached any legal details. It runs like this:

Tours was near Orleans; the bishop held his court there; and Ivo, while visiting the court, lodged with a certain widow. One day he found his widow-landlady in tears. Her tale was that next day she must go to court to answer to the suit of a traveling merchant who had tricked her. It seeemed that two of them, Doe and Roe, lodging with her, had left in her charge a casket of valuables, while they went off on their business, but with the strict injunction that she was to deliver it up again only to the two of them jointly demanding it. That day, Doe had come back, and called for the casket, saying that his partner Roe was detained elsewhere, and she in good faith in his story had delivered the casket to Doe. But then later came Roe demanding it, charging his partner with wronging him, and holding the widow responsible for delivering up the casket to Doe contrary to the terms of their directions. And if she had to pay for those valuables it would ruin her. "Have no fear," said young Ivo, "You should indeed have waited for the two men to appear together. But I will go to court tomorrow for you, and will save you from ruin." So when the case was called before the Judge, and the merchant Roe charged the widow with breach of faith, "Not so," pleaded Ivo, "My client need not yet make answer to this claim. The plaintiff has not proved his case. The terms of the

bailment were that the casket should be demanded by the two merchants coming together. But here is only one of them making the demand. Where is the other? Let the plaintiff produce his partner!" The judge promptly approved his plea. Whereupon the merchant, required to produce his fellow, turned pale, fell a-trembling, and would have retired. But the judge, suspecting something from his plight, ordered him to be arrested and questioned; the other merchant was also traced and brought in, and the casket was recovered; which, when opened, was found to contain nothing but old junk. In short, the two rascals had conspired to plant the casket with the widow, and then to coerce her to pay them the value of the alleged contents. Thus the young advocate saved the widow from ruin.

The fame of this clever defense of the widow soon went far and wide. It followed Ivo to Tréguier, whither he returned, about 1280, to practice as advocate, while still serving his initiate for the priesthood. He took only the cases of the poor, the widows, and the orphans. Every applicant for his help he required first to make oath that his cause was in conscience a just one; then Ivo would say *"Pro Deo te adjuvabo,"* ("For the sake of God, I will help you"). And the maxim of his practice (said to be embodied in the ancient Custumal of Brittany) was that every claim must be founded on "good law and equity" (*"bon droit et raison"*; for *"raison"* or *"ratio"* in those days corresponded to our "equity").

Ivo was now appointed assistant judge on the staff of the archdeacon, who held court at Rennes, the capital of Brittany. About 1284 he took orders as a priest, returned to Tréguier, became curé of a suburban parish, and was made deputy-judge to the bishop of Tréguier. The bishop himself rarely sat in court, and Ivo became the sole arbiter of clerical justice for that region. It must be remembered that the church courts at that period were the most advanced in Europe, and had an extensive jurisdiction; all kinds of civil and criminal cases, and not merely ecclesiastical ones, might come to them.

Ivo's austere and humble personal life; his boundless charity; his constant endeavor to reconcile even the most obstinate litigants; and, above all, his humane sympathy for the poor and the oppressed, now made him famous throughout the country. *"Advocatus pauperum"* had already been the epithet applied to him. And now arose the saying which has fixed forever his place in the annals of literature, *"Advocatus sed non latro, res miranda populo,"* "A lawyer yet not a rascal, a thing that made the people wonder."

Nor was he merely the shrewd and humane judge; he was also the learned one. His ten years of study at Paris were a token of his scholarly instincts. He now began the compilation of a record of all the customary law of Brittany. This was then a welter of all sorts of

unwritten and conflicting traditions as to tenure, dues, privileges, and the like. The book which he compiled did not see the light until some 20 years after his death, when presumably it served as the foundation for the official Custumal of Brittany.

During the 19 years he served as judge, he was also curé of a parish. To his virtues as judge he added the eloquence of a preacher. Sometimes he preached as many as seven sermons in a single day, in different places; and the crowds would follow him from town to town, hanging on his message of good will and right conduct.

In 1303 his end came, and great was the mourning throughout the land. His fame had long ago reached Paris, whither he had sometimes journeyed to argue cases on appeal (and tradition had it that his is the earliest known name at the Paris bar, for this was the century in which the revival of the Roman law was leading to the formation of a learned Bar).

And now John, duke of Brittany, supported by Philip, king of France, and his queen Anne, and many other nobles, headed a movement to declare Ivo a saint of the Church. The proposal had to suffer many delays. But at last in 1330 a commission was appointed by Pope John XXII to take the required testimony, and they came up to Brittany with a train of clerks and interpreters; for the people of Brittany used only the Breton (Celtic) language, and knew not Latin, the clerical tongue. The requirements for canonization were, in the main, two; the party must have been a person of blameless and unselfish life, and miracles must have been performed by his intervention after his death.

Some 800 witnesses were now examined by the commissioners; 500 of them at a mass meeting in the church, and the others by testimony given individually before the commissioners. The proof of his unselfish and saintly life was superabundant. Of miracles, one hundred were deposed to. Here is a typical one:

A woman of Tréguier, coming home after a day's absence, found that robbers had entered and stolen all her scanty possessions. In despair, she went to the tomb of Ivo and there prayed for his help. And as she prayed, the voice of Ivo from heaven told her the names of the robbers. There were three. They were pursued, and two of them were quickly found with their loot. But the third had escaped from the country. However, the justice of Ivo from Heaven pursued him; for as he sat safely in his shelter he was struck with blindness. The wretched fellow, realizing that retribution had fallen upon him, returned to Tréguier and repentantly restored to the woman all that he had taken. Whereupon a second miracle ensued; for the repentant thief immediately received back his sight. And this miracle was indeed well verified; for it was the thief himself who testified to it; he was No. 131 of the witnesses.

As a proceeding for canonization is in the church practice a judicial

inquiry, it will be interesting to our profession to see how carefully the witnesses were examined in proof of the necessary facts. Let us take the testimony of a professor of law, one Peter of Lemur. This professor of law, aged 60, (Witness No. 27) after testifying to the austere and unselfish life of Ivo, as personally observed ("I have seen him at table in my mother's house, and he never partook of fish or flesh or wine, and he always wore poor garments, though he had a good income both from his own estate and from his church office"), went on to testify to a notable miracle performed on the professor's own daughter, and then was strictly cross-examined about it:

"Being sworn and examined as to miracles of the said master Ivo Heloury, he said on his oath that a daughter of his who had a blind spot in her eye was cured the next day after they had vowed her to Saint Ivo. Asked when that was, said it was 23 years ago or thereabouts. Asked what month, said it was the month of May or June, but he does not remember what day. Asked who was there, said that he the witness was, and Leveneza his wife, and Mahaute the daughter's nurse, and several other persons whom he does not remember. Asked what place it was, said that it was in his town of Quasquer, Guitmace parish, diocese of Tréguier. Asked who was invoked, said that Saint Ivo was invoked. Asked what words were used, said that the aforesaid wife said to the witness, 'Let us vow her to Saint Ivo, because I would rather that she were dead than that she should live this way'; and then they vowed her, saying 'Saint Ivo, if thou restorest her to health, we will go barefoot to thy tomb.' Asked the name of his daughter, he says she was called Margilia. Asked how that infirmity came upon her, he said that she had three times suffered a fever and then had the illness called 'variole', and then came the blind spot in her eye. Asked how long she had the said eye-trouble before they made the vow, he said about eight days. Asked how large a spot was it, he answers almost as large as a bean. Asked what time elapsed between the vow and the cure, answers that they made the vow on a certain day after dinner, and the next day in the morning the mother and the witness found the girl cured. Asked if the girl is alive, answers she is not; asked when she died, says he does not remember the date. Asked how long it was after she was cured, said about two years. Asked if the cure was perfect and if that eye was as good as the other, answers yes, nor could it be seen that she ever had had a defect. Asked who saw her after the cure, answers that he, the witness, and the mother, and the nurse and the late prior of Lamur, now dead, saw her and several other persons now dead, and also some persons whose names he does not now recall."

This was a pretty thorough cross-examination, and the law professor was a convincing witness.

One other among the witnesses was a lawyer (No. 1 on the list), and his testimony is worth a brief quotation. He was 90 years old, and had known Ivo since the latter's boyhood, having taught him his first letters, then his grammar, and finally his civil law. This venerable man's

testimony to his pupil's saintly and austere life was direct and detailed; and then he went on to speak of Ivo as advocate and judge:

"Ivo without charge took cases for the poor, the widows, the orphans, and other distressed persons, offered himself for the defense of their rights without being asked, and thus was commonly known as 'the advocate of the poor and the oppressed.' Asked how he knew this, said that he himself had often been present as advocate with the said master Ivo at many trials. Asked how he knew that Ivo had acted without charge, said that many poor persons had told him of it, with warmest gratitude for Ivo. Furthermore, this witness testified that the said master Ivo was a man of great justice as a judge. Asked how he knows this, said that he had seen Ivo as judge both at Rennes and at Tréguier, where Ivo gave speedy justice to everyone without distinction of persons. Said also that one-third of the salary which Ivo received as chancellor at Tréguier was given in alms to the poor, and that he would always use every effort to reconcile in peace and concord the parties that came before him with their disputes. Asked how he knows this, said that he had many times seen and heard it, when he was advocate in the court of Ivo at Tréguier."

And so there was ample proof, from a cloud of eye-witnesses, of this long life of sacrificial service in the cause of justice.

No wonder that the movement for declaring him a saint received universal support. And finally, on May 19, 1347, Pope Clement VI at a solemn consistory ordered his name placed in the calendar of saints. That day has ever since been his saint's day, on which homage is paid to his name.

In the next century, and later, his fame spread over Europe. Several faculties of law placed themselves under his protection; supreme courts, bars, and senates, invoked his blessing; and not in France alone; for the list includes Ghent, Brussels, Louvain, Antwerp, Rome, and other cities, where many memorials can still be seen.

His original tomb is in the churchyard of Minihy, a little suburb, whose church he endowed in his will; and even today the country-people of Brittany may be seen devoutly making pilgrimage to this tomb and invoking his help. At Tréguier, in the Cathedral, is a magnificent monument erected in his honor in 1890, to take the place of the one destroyed a hundred years before at the burning of the church by the revolutionists. But the most fitting place of homage to the memory of this good man of unselfish life, lawyer and judge, is still the simple tomb in the churchyard of Minihy. And the fellow members of our bar who, after attending the Congress of Comparative Law at the Hague next August, choose to turn aside for a visit to this sequestered spot in old-time Brittany, may well feel that they are performing a pilgrimage to the honored saint of their profession.

Even a brief perusal of his recorded career makes one realize that here we have a character who may well represent the ideal for a profes-

sion. He was made a calendar-saint, not (like so many) because he was a martyr at the stake, nor merely because he was a faithful servant of the Church, but because from his adult youth for thirty-five years he lived consistently an ideal life of service and sacrifice in the cause of Justice. In short, he was declared a saint in Heaven because he had lived a saintly life on earth.

And he had pursued this career as an ordinary man, amidst the very same every-day conditions that surround any lawyer and any judge at any time in any country. Well may he be enshrined in our aspirations as an ensample of the ideal of Justice attainable in real life by a member of our profession!