THE STUDENT VIEW
OF
YALE LAW SCHOOL 1883-1912:
THE SHINGLE

Prepared by
Maureen J. Arrigo

for

Professor John Langbein
History of American Legal Education
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Yale Law School Faculty
1893

Prof. Baldwin, Prof. Phelps, Prof. Beers,

Prof. Robinson, Dean Wayland, Prof. Waugh,

Prof. Townsend, Judge Loomis, Dr. Robinson, [Librarian.]
THE STUDENT VIEW OF YALE LAW SCHOOL 1893-1912: 
THE SHINGLE

Introduction

Fifteen years ago, Alfred Konefsky and John Schlegel criticized the majority of law school histories as ahistorical testimonials, devoid of information on life inside the school - paeans to deans and to the buildings into and out of which the law schools moved.¹ Notably missing from these narratives, they remarked, were the students. “[T]o the extent that students who do not become faculty live at all, they seem to do so only on the law review and the moot court board, though they are sometimes reincarnated as alumni.”² The faculty fare little better: “The faculty themselves are treated as faceless teaching clones.”³

During one twenty-year period, the graduating students of Yale Law School published books in which their views of the school (and to a small extent the faculty’s views as well) were captured. This series of books - The Yale Shingle - was published from 1893 to 1912. In his history of Yale Law School, Frederick C. Hicks writes of the Shingle:⁴

The personal and lighter side of the school was represented for twenty years [1893-1912] by The Yale Shingle.... In accordance with the custom of the time, the graduating classes felt called upon to issue class books. It was the class of 1893 that first yielded to this urge, producing a book for which Professor William K. Townsend suggested the name, The Yale Shingle. ... When the Shingle was abandoned, the school doubtless thought that it had come of age, but thenceforth there was lacking a useful source of information concerning the life of the school. These books not only contain records of student life and activity for the years 1893 to


²Id.

³Id. at 846.

⁴Frederick C. Hicks, Yale Law School: 1869-1894, including The County Court House Period, Yale Law Library Publications, No. 3, at 71-72 (1936).
1912, but they preserve for us something of the spirit of the school. In them, one finds pictures of the members of the successive senior classes and of the faculty, with biographical sketches of both groups, class odes, lists of class officers and committee members, pictures and lists of members of the debating clubs, of prize winners, of members of fraternities, and ‘slams’ on the graduates. There are occasional historical articles, and many pictures of buildings.\(^5\)

My goal in writing this paper is profile student life at Yale as reported in the \textit{Shingle}. Its life spanned an important time in the school’s history - a time of significant change. For instance, in 1893, the school required only two years of law study for a LL.B. degree and did not require an undergraduate education for admission. By 1912, despite opposition from Yale University president Arthur T. Hadley,\(^6\) an undergraduate degree was required for admission and three years of study were required for a degree.

In 1893, the \textit{Yale Law Journal} was but two years old. By 1912, it had reached its “maturity” - age twenty-one.

In 1893, classes were conducted in rooms on the second floor of the New Haven County Courthouse. By 1912, the school had occupied its own quarters in Hendrie Hall for over a decade.

In 1893, the school had a faculty of nine (counting the dean, the librarian, and part-time

\(^5\)Id. There was an attempt in 1946 to revive the Shingle tradition. That year, the graduating class of Yale Law School published the \textit{Yale Reporter 1946 Supplement}, dedicated to Arthur Corbin, Frederick Hicks and Ernest Lorenzen, and published “[i]n the spirit of the revival of an annual which has not appeared since 1912...” \textit{Dedication}, Yale Reporter 1946 Supplement 5. Dean Wesley Surges’ \textit{Foreword} to the book noted “[f]or better or for worse, the Yale Law School Student Association is publishing herewith the \textit{Yale Reporter}...I am confident...that it will prove itself a copious compendium of wit and wisdom, logic and nonsense.” Id. at 3. The dean then alluded to the \textit{Shingle} in stating the \textit{Yale Reporter} was “not without precedent.” But the Reporter was a pale reflection of its predecessor in all respects: There was far less wit, wisdom, logic or experience in its pages than in the \textit{Shingle’s}.

\(^6\)Morris Hadley, Arthur Twining Hadley 158-59 (1948).
lecturers). By 1912, the faculty totaled sixteen, supplemented with fourteen special instructors and guest lecturers.

In 1896, Arthur Corbin matriculated as a Yale law student; by 1912, he was a member of its faculty (as were John Warren Edgerton (YLS 1900); Charles Phineas Sherman (YLS '99); and George Zahm (YLS 1900)).

The first Shingle editor, John Q. Tilson, set forth his statement of purpose:

In this little book it has been my purpose to bring together and set before the class in a permanent form, a few things that will either interest or amuse, and that in after years will remind us of the pleasant, though sometimes turbulent, days spent here together and form a sort of visible link tending to bind us, though widely scattered, into a real Yale Class, possessing the true Yale spirit.  

Thus, the first editor saw the book as a memento of the legal education he had shared with his classmates. something tangible to which the graduates could refer to recall interesting or amusing times together. The reference to being bound into a “real Yale class” may suggest that the students were aware of the ambivalence with which Yale university viewed the law school and signal their determination to view themselves as worthy of having a “true” Yale identity.  


8 Yale University’s attitude toward its law school was captured in a historical address by Professor Theodore S. Woolsey during Yale Law School’s Centennial Celebration in 1924. Remarking with pride that, by 1895, the school had over 200 students and had grown in “importance, in character, in quality” he nevertheless admitted:  

[Yale] College looked askance at [the law school]. Real property is history; evidence is logic; Roman Law is classics; Constitutional Law is politics; yet the College faculty was reluctant to admit that our work had cultural value. Therefore it set its face for a long time against any interchange of student. Our graduate students might get their Philosophy under the elms, but college Seniors might not get the rudiments of law with us and thereby save a year. Our sweet reasonableness finally won the day, but I think the College faculty never recommended us or approved of us until recent times. ... We were... pariahs in the eyes of the academic professor.

Theodore Salisbury Woolsey, *Historical Address*, in Celebration of the Centennial of the School of Law 6, 14 (1924).
A rather wide variety of material appears in the Shingles' pages. For example, topics in the first volume included:

"After dinner talk" (address to the class by Prof. Townsend)
"All Sorts"
"Appearance" (whimsy about the size and shape of students)
"Educational"
"Financial"
"Former Members"
"Future Addresses" (alumni directory)
"Junior Year" - retrospective
"Kent Club"
"Law Journal"
"New [class] members" - men who did not begin with the class but who graduated with them.
"Officers"
"Physical" (fitness)
"Poem" (these were common in early editions)
"Political"
"Religious"
"Senior year"
"Social"
The Class (descriptions of each graduate)
The Faculty
Valedictory by Dean Wayland

Some of these categories disappeared over time; some came and went; some were absorbed into others, temporarily or permanently. My approach to the material has been to discuss at length the topics with the most substance and with discussions broad enough that they can be summarized narratively. Thus, for example, several pages each are devoted to the Yale Law Journal and the two Debating Clubs - the Kent Club and Wayland Club. Thus, I have devoted a section of the paper to debating. On the other hand, some of the Shingle's departments, like "All Sorts" are so full of minutia about each class member's idiosyncratic approach to law school (or each student's idiosyncratic reactions to his colleagues) that I can do little more than touch upon these Shingle segments, giving the reader a taste of what is in them and encouraging her to read the
Shingle for herself.

A cautionary word is in order concerning the historical accuracy of the Shingle as a research source. As a set, the Shingle comprises twenty volumes, each with its own editor (or editorial staff). Thus, the books’ tone and purpose vary from year to year, with earlier volumes (1893-1899) in general having a far more whimsical and irreverent tone than the later volumes (1900-1912) and seeming to have more of an entertaining purpose than an intent to preserve events accurately. This unevenness in tone and purpose is exacerbated by each book’s having multiple student essayists writing about various aspects of law school life. Some essays are patently humorous with no apparently pretensions to historical accuracy. Yet even some of the material in these humorous essays is likely true. For instance, the 1893 “Social” essay contains a discussion of the students’ marital states and marital prospects. The essay begins:

We have not to any extent entered into the bonds of matrimony; whether it is our own fault or else that we could not find those willing to support us in a style “suitable to our station,” the fact remains that but five of us have ventured to find out for themselves the solution of that great problem, “Is marriage a failure?”...Only one man will acknowledge that he is engaged, and while our prospects do not seem to be very bright, yet it is evident that we have some thoughts in that direction....One admits the chances very bright, others “pretty badly entangled,” “worse than nothing”...”there are three chasing me now” (Machesney)...”[i]n doubt, as bigamy is impending,” (Byers). Curtis thinks he has some prospects considering a threatened breach of promise suit.”

While the excerpt aims to amuse, it seems unlikely to be entirely fiction. For instance, five members of the graduating class probably were married men and the man who admitted to being engaged most likely did have a fiancee. But the historian greets with more skepticism Machesney’s assertion that he is being chased by three women and Curtis’s comment that he is being threatened by a breach of promise suit. Indeed, Curtis may not even have made this

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comment; the essayist himself may have made it up.

To limit a discussion of the Shingle solely to its verifiably accurate or much-more-likely-accurate-than-not historical facts would be to obliterate much of the source’s distinctive personality and charm. This seems like a serious loss. As I have read the books, I have been called upon to make judgments about which segments seemed to be students’ attempts at accurate reporting of events or of students’ reactions to events and which segments were buoyant nonsense. When statements seem to fall clearly on the nonsense side of the line, I let them speak for themselves, for I think the reader will recognize student exaggeration for what it is. Other segments, however, weave aspects of obvious fantasy with probable or possible truth in such a tangled skein that unraveling seems unlikely.

Another problematic aspect of the source is style in which much of it is written. Thus, some material that would strike the modern reader as most likely exaggerated because it is so florid (for instance, student comments about how highly they valued the faculty or how saddened they were by faculty deaths or defections) struck me, reading in context, as honestly heartfelt. Where the source seems ambiguous to me, I have pointed it out.

The paper is structured as follows:

I begin with a brief overview of major events in New Haven and at Yale during the twenty years of the Shingle’s publication, so as to provide some additional context for the students’ reactions to their world. Because this paper focuses on students’ views of Yale, it does not incorporate information found in various addresses made to the graduates by professors, deans, judges and lawyers, although there are dozens of them in the Shingles. For readers who may be interested in this material, Appendix 1 provides a list of valedictories and speeches included in each Shingle volume, including the topic, the author, volume and page on which it is found, and a brief annotation of its contents. Appendices 2 and 3 contain charts listing the major
categories of *Shingle* topics and indicating the page numbers in each *Shingle* where the discussion of the topic begins. If topics appear in only one or two volumes, I have left them off the chart. Finally, because another aspect of the *Shingle* is its wealth of photographs, Appendix 4 lists these photographs by Shingle volume, subject, and page number.

**A BRIEF OVERVIEW OF THE PERIOD 1893-1912**

The years between 1893 and 1912 marked a dynamic period for the United States, New Haven, and Yale. By the 1890s, New Haven was a thriving city.\(^{10}\) Its Chamber of Commerce, which had fallen into inactivity in 1852, reactivated in 1872. The first electric trolley began operation in New Haven in 1892;\(^{11}\) the first automobile hit its streets in 1900.

In the early 1880s, a new wave of immigration had begun from Southern and Eastern Europe. By 1896, number of immigrants had become substantial and, by the turn of the century, comprised twenty-eight percent of New Haven’s total population of 108,000.\(^{12}\) Business was booming and twenty-eight hotels catered to travelers. One historian wrote that “most of today’s New Haven was built between the 1890s and 1920s.”\(^{13}\) Yale professors and prominent industrialists lived close to the city center on High, York, Crown and Dwight streets and

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\(^{10}\)Rollin G. Osterweis, Three Centuries of New Haven 1638-1938, at 370-71 (1953).


\(^{12}\)Id. at 374. Osterweis reports the ethnic mix as Irish-10,000; Germans and Swedes - 6000; Italians - 5,000; Russian Jews - 3200; English and Scotch - 2000; and all other foreign born - 3800. The Italian immigrant community is profiled in Michael Johnston, *Italian New Haven: Building an Ethnic Identity*, 26 J. New Haven Colony Hist. Soc’y 23 (1979); the Greek immigrant community is profiled in Mrs. George Gulliotis, *New Haven’s Greek Orthodox Community*, 19 J. New Haven Colony Hist. Soc’y 75 (1969). The immigrants helped to make New Haven Connecticut’s largest city by the end of the nineteenth century.

“material success dominated the scene to an extent never known before.”¹⁴

Another facet of the city’s prosperity was the demand for new ways in which its citizens could enjoy their leisure time. Organizations sprang up to meet the need. For instance, the New Haven Lawn Club began operating at its present location in 1891; the New Haven Golf Club opened in 1896; and the Race Brook Country Club in Orange opened in 1910.

Once the new century had begun, and Yale had celebrated its bicentennial in 1901, the mayor, a patent attorney named George Dudley Seymour, began an ambitious drive to make New Haven “The City Beautiful” as well as to improve the relationship between New Haven “townies” and members of the Yale University community. As New Haven historian Rollin Osterweis puts it “From 1900 to the First World War, the history of New Haven reflected a single dominant theme: the impulse for civic improvement.”¹⁵ By the time the last Shingle was published, the “largest modern hotel in New England [the Taft] loomed against the sky” a new courthouse was being built between the new library and new insurance building, and a new railroad station was being constructed.

Part of the impetus for “civic improvement” was the previously-mentioned influx of immigrants. Established New Englanders believed that the “racial habits” of Southern and Eastern Europeans made them “if left to their own devices” particularly incapable of keeping the city a “fit and worthy place” for occupation by descendants of “old New England stock.”¹⁶ And it is true that, underneath the outward prosperity lay urban problems, poverty, and blight, to which privileged New Haveners and members of the Yale community were most likely oblivious, save to note that the results were ugly and needed to be changed. Federal money had

¹⁴Osterweis, supra, at 389.
¹⁵Id. at 390.
pumped life into New Haven’s industries during the Spanish-American War and the Philippine Insurgency, bringing many workers into the city. Thus, new neighborhoods developed, but they were hardly beautiful, well-planned communities. Rather, they provided a combination of factories, tenements and streets choked with traffic. Thus, in 1910 the New Haven Civic Improvement Commission produced a detailed report outlining future improvements ranging from better public transportation and new municipal buildings to a serious commitment to planting and preserving more trees. By 1911, New Haven even had a tree expert working on the “Elm situation.”

The largest item on Mayor Seymour’s political agenda after city beautification was resolution of town-gown conflicts, which one historian characterized as having escalated by 1900 to the level of “hate.” One healing experience was the gala Yale Bicentennial celebration in October of 1901. From outside New Haven, approximately 9000 gathered people for the event, which went on for several days and included a colorful torchlight procession of 5000 men in medieval academic garb. The campus glowed with orange lantern light, while the city residents and guests enjoyed open air concerts (apparently an unusual event), skyrockets and fireworks. More than sixty honorary Yale degrees were conferred upon notables including Theodore

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17 Leonard, supra, at 52.
18 See generally, id.
19 Osterweis, supra, at 397.
21 Id. at 38-39.
22 Id. at 39.
Roosevelt, Woodrow Wilson, and Samuel L. Clemens. Yale erected new buildings for the event and some of the faculty - having been displaced from living quarters on campus - began to live among the residents of the town. Hope for town-gown harmony was strengthened further with the formation in 1901 of the Yale Alumni Association, which included the continuation of good relationships between New Haven and Yale among its primary goals.

By 1908, Mayor Seymour convinced Yale to open the Peabody Museum and Trumbell Art Gallery to the public on Sunday afternoons. Soon thereafter Yale began offering free Sunday afternoon concerts in Woolsey Hall and allowing the Chamber of Commerce to use the auditorium and dining hall for conventions. Osterweis sums up New Haven life in the first decade of the 20th century by stating:

One gets the impression that these were happy years relatively carefree and characterized by an easy tempo of life. The world outside the United States was probably interesting enough, but one could ignore it if he chose and concentrate on local improvements, national politics, and the pleasant use of leisure time. The election of 1912 was terribly exciting but not in any sense disturbing. It seemed somewhat like a college crew race. They were all good men--Wilson of Princeton, Roosevelt of Harvard, Taft of Yale.

Yale Law School itself underwent significant changes in the period during which the Shingle was published. In 1893, the school was still being run primarily by the three of the four lawyers who had rescued it from oblivion twenty-seven years earlier - Simeon E. Baldwin, William C. Robinson, and Francis Wayland. In 1869, the law department of Yale had been so

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23Id. at 38.
24Osterweis, supra at 395.
25Id. at 394-95.
26Osterweis, supra, at 399.
weak that the University was considering dropping it. Baldwin, Robinson, and attorney Johnson Platt proposed to then-President Theodore Dwight Woolsey that they carry on the work of the Yale law department "at their own risk." Woolsey agreed. In 1872, the new university president, Noah Porter, hired Francis Wayland as a professor of jurisprudence. In 1873 Wayland was made dean of the law department, thus becoming Yale's first full-time professor of law. These four men helped the school recover from the brink of dissolution. By 1893, when seventy-seven students graduated from Yale Law School, three of these men - Wayland, Baldwin, and Robinson - were still in the school's employ.

Although in the 1870s Harvard had instituted the new Langdellian "case method" of teaching law, Yale clung to its "Yale method," which consisted of having students read texts, attend lectures, and recite in class. Cases were used as supplementary, not primary, materials. Professor Baldwin, in particular, felt strongly that texts, not cases, were the best source of learning material for law students, particularly in their early years of study. Nevertheless, by 1912, the case method had been adopted as the principal teaching method at Yale.

The school's fortunes rose during the Shingle's twenty-year lifetime, as did its academic

27 Henry Wade Rogers, Historical Address, The Yale Shingle 11, 14 (1911).

28 Theodore S. Woolsey, Professor Francis Wayland, DD.D, 3 The Brown Alumni Monthly 203, 206 (1903).

29 Robinson, however, left at the end of the 1894-85 school year to accept a post as Dean of the School of Social Sciences in the Catholic University of America. Frederick C. Hicks, Yale Law School: 1869-1894, Including The County Courthouse Period, Yale Law Library Publications No. 3, at 47 (1936).

30 For a discussion of Baldwin's approach to the case method, see Frederick C. Hicks, Yale Law School: 1895-1915 - Twenty Years of Hendrie Hall, Yale Law Library Publications No. 7, at 72-78 (1938).

31 Id. at 44-45, 58.
standards. Tuition was $100.00 per year in 1893; $110.00 in 1894; $150.00 in 1911.\textsuperscript{32} In 1893 the course of instruction at the law school was two years; it increased to three in 1896.\textsuperscript{33} In 1893 students could begin studying law without having first obtained a college degree; by 1912, a degree was required for all new students with the exception of Yale College seniors enrolled in a "combined course." These Yale students could spend their senior college year enrolled in law courses.\textsuperscript{34} In his 1911 historical address, Dean Henry Wade Rogers that law school attendance had risen from 195 in 1899-1900 to 434 in 1908-09 - an increase of 123 percent. Enrollment dipped in 1912 on account of the new requirement of an undergraduate degree for admission, which might have played some role in the Shingle's demise for instance, perhaps the school's decreased revenues made funding impossible or the decreased student body resulted in fewer students with interest or ability to take on the editorial work.

The best summary of Yale Law School's progress in the twenty years of the Shingle's lifetime are found in Dean Rogers' report for 1911-12, quoted in Hicks' law school history, in which Rogers summarizes what he calls the "three great changes" since 1900:

1. A degree from a recognized college or scientific school is required as a condition of admission, except in the case of Yale College Seniors.
2. The case system of instruction has displaced the former method of text-book instruction.
3. The instruction is now given almost exclusively by resident professors who devote their entire time to the work of the School and who are withdrawn from the active practice of law.\textsuperscript{35}

\textsuperscript{32}Rogers \textit{Historical Address}, 1911 Shingle, at 24.

\textsuperscript{33}Id. ("The law course from the founding of the school was until 1896 one of two years. In that year the course was extended to three years.")

\textsuperscript{34}\textit{Twenty Years of Hendrie Hall}, at 43.

\textsuperscript{35}Id. at 45.
So the fortunes of New Haven and of the Yale Law School rose during the lifetime of the Shingle. The rest of this paper examines the students' reports, as they looked back on their years of legal education, of the impact these events had on them

The Students - Generally

The Yale Shingle was first and foremost a book by and about the graduating seniors. Considerable space is devoted to photographs, biographies, and miscellaneous information about individuals and groups.

The first two Shingles (1893 and 1894), were devoid of graduates' photographs, but still provided a considerable amount of information about them. Take for instance, the sketch about Roger Sherman Baldwin (YLS 1893):

Roger Sherman Baldwin was born in New Haven, Conn., January 17, 1869. His father, Prof. Simeon E. Baldwin, is a leading lawyer of the New Haven Bar, now Associate Justice of the Supreme Court of Connecticut, and one of our best and most popular instructors. Traces ancestry to the sixteenth century. Blood, English. His distinguished relations are legion. Roger Sherman Baldwin (not the same as the subject of this sketch), Governor of Connecticut, Simeon Baldwin, representative in Congress, Roger Sherman, signer of the Declaration of Independence, President Dwight and the rest of the Yale faculty are mentioned. Fitted at Hopkins Grammar School, and graduated in Yale '90. Took some Latin and German prizes; was a Junior exhibition speaker and Phi Beta Kappa. 36

While the italicized portion of the above biographical sketch suggests the graduates were not above "puffing" their lineage, this sketch and others like it still provide a wonderful composite look at the graduating class. Graduates in 1893 were remarkably homogeneous, as their

primarily Anglo-Saxon names attest - names like Baldwin, Banks, Graves, Gray, Hubbard, and Kendall - interspersed with some Celtic names like McCall, Machesney, McNamara and O'Keefe. There is the occasional oddity, like Fukushima ("born at Shuzuoka, Japan; attended Tokyo preparatory school for Imperial University; his father holds some public office in Japan")\textsuperscript{37} and some traces of the newly-arrived Italian immigrant population ("Paul Russo, born in Italy, April 19, 1859...his father...was one of the first itinerant violinists in America. Ancestry, three generations. Pure Italian blood.")\textsuperscript{38} But for the most part, Anglo-Saxons occupied seats at Yale.

Some odd class statistics were also a part of Shingle lore. For instance, we learn that Wilfred Peck ("with quite a sprinkling of silver threads among his glossy locks") was the "class patriarch" at age 40, while Daniel Fowler, not quite 20, was the class infant.\textsuperscript{39} We learn specifically from where the graduates came to attend Yale.\textsuperscript{40}

\[\text{[See List Next Page]}\]

\textsuperscript{37}1893 Shingle, at 30.
\textsuperscript{38}Id. at 41.
\textsuperscript{39}Id.
\textsuperscript{40}Id. at 46.
Twenty-five different occupations enabled the fathers of the 1893 graduates to “buy, on the instalment plan, a considerable part of Mr. Judd’s bookstore.”\(^{41}\) Among the fathers were fifteen merchants, ten lawyers, eight manufacturers, six farmers, four clergymen and four physicians. “Not more than two follow any other one of the vocations mentioned, ranging from an itinerant violinist to a banker and from a United States Senator to a Justice of the Peace.”\(^{42}\)

In 1893, the law school was a tight community and its members kept careful track of each other. The *Shingle* devotes separate chapters to “New Members” (“or those who, having begun

\(^{41}\)Id. at 46.

\(^{42}\)Id.
the study of law in an office, or at some other law school, soon learned better, and coming here were admitted to advanced standing” and therefore were graduating with the 1893 class)\textsuperscript{43}, and to “Former Members” (“or those who were once with us, but whose faces for various reasons have been turned to the wall.”)\textsuperscript{44} Some former members apparently were never cut out for law study, like Webster Hill Belden who “occasionally strayed into the recitation room during the first half of Junior Year,”\textsuperscript{45} or Harry Willet Doolittle who “carried out the policy suggested by his name, and is not with us this year.”\textsuperscript{46} Several left on account of illness; others for job opportunities. For instance, Alexander Dickey, left at the end of Junior year to go into a law office in Chicago;\textsuperscript{47} Edward Van Ingen, Ph.D., Yale University, “left about the middle of the year to accept a position at the Hill School, Pottstown, Pa.;”\textsuperscript{48} and Philip Patterson Wells, “left at the beginning of Senior year to accept a position with West Publishing Co., in Washington D.C.” and continue his law studies at Georgetown.\textsuperscript{49}

Graduates’ “bloodlines”\textsuperscript{50} continued to feature prominently in the graduates’ biographical

\textsuperscript{43}Id. at 47-48.

\textsuperscript{44}Id. at 49-52. See Appendices 2 and 3 for charts showing Shingle volumes with specific information on former or new class members.

\textsuperscript{45}Id. at 49.

\textsuperscript{46}Id. at 50.

\textsuperscript{47}Id.

\textsuperscript{48}Id. at 51.

\textsuperscript{49}Id. at 52. Let us hope he was able to secure stock options from his employer.

\textsuperscript{50}This preoccupation with bloodlines seems to have been related to the concern of Anglo-Saxons who had become accustomed to “ruling” Connecticut that they were being overrun by foreigners. Toward the end of the nineteenth century, some city residents became increasingly enmeshed in a quest for social elitism; the wrong “blood” apparently precluded one from rising into the correct social set. See, e.g., Dan A. Oren, Joining the Club: A History of Jews and Yale
sketches throughout the rest of the nineteenth century. By 1901, they were increasingly tongue in cheek ("Francis Joseph Kinney - ‘Teddy’ - He does not ‘trace’ and his blood is a mixture of--the reader must guess;" 51 "Walter Dunham Makepeace- ‘Walt’ - Traces his ancestry safely beyond the Statute of Limitations--but won’t. As to what blood flows in his veins, he gives us a whole lot of information by saying, ‘I’m no cannibal.’") 52

The 1898 Shingle editor considered his class remarkably diversified: "The study of our racial statistics shows that we certainly are a cosmopolitan class. All sorts of mixtures and combinations flow in our veins. English, Scotch and Irish predominate. Some other species given are: French, German, Egyptian, Hoodoo, Voodoo, Spanish, Scandinavian, Welsh and Yankee." 53 By 1902, references to bloodlines had virtually disappeared, although the occasional reference to a relative could still be found ("Eliot Watrous - ‘Wat’ - Made his first attempt to master the doctrine of climatic emphasis at the home of his father, George Henry Watrous, late president of the New York, New Haven & Hartford Railroad Company....Governor Henry Dutton of Connecticut is an ancestor.") 54 Of more apparent interest than bloodlines to turn-of-the-century graduates were their classmates' undergraduate institutions, activities before and during law school and, when known, their classmates' future plans ("Henry Rumford Thompson - ‘Pop,’ ‘Uncle Henry,’ - Will practice law in Bellows Falls, Vermont.") 55 This is not to say the


51 Class of Nineteen Hundred, The Yale Shingle 12 (1900).
52 Id. at 13.
53 Class of '98, The Yale Shingle 31 (1898).
54 The Class, The Yale Shingle 95 (1902).
55 Id. at 94.
class was significantly more diverse in 1902 than in 1893. Names like Abercrombie, Adams, Andrews, Bacon, Carle, Day, Dickinson, Flint, Kelley, Nathanson, Pinkerman and Wood dominated, while De Marchi Gherini (a Swiss/Italian mix) stands out rather exotically. The next six years showed diversity increasing somewhat, with the 1908 Class’s essayist indicating that graduates hailed from “every land and every clime; from Russia, Japan, France, Germany, Italy, Armenia, mid-Pacific, Philippines, the gateway to the Orient,” and from every section of the United States.\(^{56}\) The class photos show two African-Americans among the graduates of 1908: Charles Alston Smythwick of Creek, North Carolina and Harry Gruffy Tolliver of Charleston, West Virginia. By 1910 a few more immigrants were making their way into Yale. Graduates included two men born in Germany (Harry Burstine and Maximilian Carl Von Hoegen) and three born in Russia (Alan Robert Rosenberg, Samuel Rosenthal and Samuel Joseph Witz) Among those graduating in 1911, were Roger Demosthenes O’Kelley of Raleigh, North Carolina “the only negro deaf mute lawyer in America.”\(^{57}\) And in 1912, the Shingle’s last year, Jock Chung, Francis Conti, Herman Horwitz, and Michael Jannini made a small dent in the Northern European makeup of the LL.B. class, while two Filipino brothers - Jose M. Yusay y Lacson and Ramon E. Yusay y Lacson - received master’s degrees.

The class of 1896 included two descendants of prominent Yale administrators: Winthrop Edwards Dwight, son of Yale University president Rev. Timothy Dwight and probable relative of Theodore W. Dwight, founder of Columbia Law School; and Edward John Woolsey, a relative.

\(^{56}\) Edwin Jason Dryer, Senior Class, The Yale Shingle 83 (1908). Fundamentally, however, the school drew students from Connecticut, New York, and New England. See, infra, note 215 and accompanying text.

\(^{57}\) Sketch of Roger Demosthenes O’Kelly, 1911 Yale Shingle, at 133.
of former Yale university President Theodore Dwight Woolsey. One of their classmates, James

Sinclair Jenkins, claimed his blood was “most everything but Nigger and Jew.”

Law students then as now worked long and hard, spending five to six hours per day in
classroom recitations. “Suffice it to say the demand for kerosene in New Haven was
unprecedented and we all assumed the sad and preoccupied air, so familiar at this awful time
[examination time].” Sadness apparently was not out of place; not all students passed Yale
examinations a century ago. When the students returned for their Senior year, “[u]pon hearing
for the first time the revised and amended roll-call we learned that we were no more to hear those
names that we had so often heard, and whose possessors we had never seen. No, Sedgewick,
A.K., and Sedgewick, G.B. were no longer to be with us in name. We doubt not that they are
with us in spirit to this very day.” But new people had usually joined the class. For instance,
in 1893 the new class members included one “fortunate individual who had forsaken Cornell...”

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58 Jenkins seems to have been a flagrant anti-Semite. In reflecting upon what made Yale
superior, he stated “Throws less bluff than Harvard, has fewer Jews than Columbia.”
*Educational*, The Yale Shingle 54, 56 (1896). Of course he was not alone in his bigotry. One
favorite song of the 1899 graduating class was “All Coons Look Alike to Me.” *Miscellaneous,*
The Yale Shingle 97, 100 (1899). In Joining the Club: A History of Jews and Yale (1985), Dan
A. Oren discusses the increasing bias against Jews in New Haven starting in the 1870's. By
1890, according to Oren, the community’s anti-Semitism had infected Yale University. Id. at 22-
24. On the other hand, Oren provides a heartening anecdote from 1892. When a Black law
student’s selection as the competitor in a “prize debate” caused a white debater to withdraw,
“nearly everyone at the law school supported the Black.” Id. at 26.

59 Francis Parsons, *Senior Year*, The Yale Shingle 61, 68 (1897).

60 Horace Phelps, *Senior Year*, The Yale Shingle 62, 63 (1893).
and another who "came from the burning sands of Kansas, where the fearful influences of
Prohibition and Woman's Suffrage blight the crops, and mildew the imported ear of corn before
it reaches the mill."\textsuperscript{61}

**How the Students Were Oriented to Law Study**

James Kingley Blake describes the entry into law studies of the class of 1893. According
to Blake, the students "straggled into the Junior recitation room and looked around at the glories
of that intellectual hot-house!"\textsuperscript{62} "Silent busts" ornamented the walls. When the 1894 classmen
began their studies the following year, upon seeing the busts they promptly "decided that when
we were graduated we would present the school with a composite bust of our class, thus typifying
the young ideal and perpetuating the glory of '94 to future generations of law students."\textsuperscript{63} This
class seems to have assumed a Yale identity quickly. Even on orientation day, "several of our
members had adorned themselves with various insignia, in order to show their pride in becoming
members of our great University. One man was decked out with Yale buttons, Yale pins, and a
Yale flag for a neckerchief;...another was the proud possessor of a cravat which made one feel
blue enough to take to strong drink."\textsuperscript{64}

Entering law students were provided with advice on law school survival and success. For
instance, during orientation for the Class of 1896, the students "listened to some words of advice
upon the necessity of taking exercise while studying fourteen hours a day."\textsuperscript{65} Two years later, the
ante had been upped, as Judge Baldwin "in a fatherly and impressive manner advised us to

\begin{footnotes}
\item[61] Id. at 63.
\item[64] Id. at 49.
\item[65] John Hill Morgan, *Junior Year*, The Yale Shingle 37 (1896) - in other words "balance
your life."
\end{footnotes}
faithfully work twenty hours per day; advice which we have followed (not!)..."66 Initially unsure of the process of legal study, students believed "that somewhere--either hiding between the sheepskin covers of a text-book or lurking behind the dust-covered shelves of reports--somewhere the law was to be found and that...we could capture our prey and tame the law to our own uses."67 It did not take long for them to realize, however, that law was "coy" and "the harder we pursued the more involved we became in the discouraging tangle of what the law was or was not..." 68 Moreover, the sheer volume of law in existence was in itself daunting. "I remember one day hopelessly gazing at the gigantic proportions of a text-book and then at the long stacks of reports, thousands upon thousands in number and...wondered what the good old Dean would have said could he have been alive to day and see the countless myriad of law books, which seem to be published to drain the purse of the lawyer, and the almost hopeless conflict of decisions which seem to be created to muddle the weary brain of the student."69 Like so many students before and after, the class of 1896 had difficulty with the concept of seizin, although one had a notion that "[i]f only X rays had been discovered several hundred year ago, we might have obtained the likeness of seizin by taking the photograph of the holder, but as it is I despair of being able to describe it and am content to let it rest peacefully."70

One activity occurring during orientation may help explain why students became so

66Thomas H. Breeze, Junior Year, The Yale Shingle 37, 18 (1895).
67Id. at 38.
68Id.
69Id. And this in 1894! By 1912, the volume of books in the Law library stood at 33,000 (up from about 15,000 in 1900.) Henry Wade Rogers, Historical Statement, The Yale Shingle 51, 60 (1912).
70Id. at 39.
quickly acquainted. One hundred years ago, well-bred people had personal “calling cards” which they gave to others from whom they wished to receive visits. Morris Older (YLS ‘04) found himself in the possession of fifteen cards in one day from classmates. He “considered it pleasant...to be invited around and [supposed] it would have been the greatest breach of freshman etiquette not to say, after meeting one, ‘I room at _______. Call around.’” 71

This extension of friendship by fellow students may have acted as a welcome counterbalance to some of the anxiety engendered by faculty comments that were designed to welcome and encourage the newcomers but that had the opposite effect. In September of 1907, for instance, Professor Wurts “in his sonorous voice calmed and assured us and allayed our fears by stating that to be a good lawyer one should ‘constantly study law, read law, think law, eat law, drink law and sleep law.’” 72 The class essayist drollly stated that the students were reassured because they “had expected that our work would be more onerous.” 73

Course of study

Members of the Yale Law School class of 1893 began their introduction to law studies by listening to Professor Townsend’s recitation on Contracts “and a better introduction to our study of the law could not have been selected.” 74 They soon “learned” that they would have been wise to have entered into more contracts when they were “infants,” since they would then not have had to pay for what they received; they learned that marriage was a failure from the wife’s point of

71Morris Older, Junior Class, The Yale Shingle 89 (1904).

72C.H. Woods, Junior Year, The Yale Shingle 69 (1907). Part of the students’ joy at hearing Professor Wurts’ advice was that they “construed it strictly as being in derogation of the common law” and concluded that it left them free to “smoke what we chose.” Id. (emphasis added).

73Id.

74Blake, 1893 Shingle, at 54-55.
view, since "on the happening of that event, the unfortunate *feme sole* became at once relegated to the last of those three equally influential and, in the eye of the ungenerous common lawyer, equally intelligent classes, 'infants, idiots and married women,' from whence the only certain escape was through death's door, which allowed her to enter the happy hunting grounds released from the thralldom of coverture, a feme soul in reality." Professor Watrous lectured on torts, Professor Robinson on Real Property, and Judge Loomis on personal property, while student Peck, "poor man, was kept busy serving as the leading character in every illustration of the violation or careless performance of a Bailment. Mr. Beach taught patents, while the dean gave the class a "flavor of the English Constitution," and Professor Phelps "set before us an entertaining series of lectures on International Law." The class received elocution lessons from Professor Mark Bailey and made "futile attempts to make [their] notes keep pace with Professor Baldwin in his valuable lectures on Wills," which turned out to be "excellent training to develop those staying qualities of wind and limb so necessary to anyone undergoing the strain of Professor Robinson's subsequent dictations." Knowing shorthand would presumably have been excellent pre-law training.

The principal text seems to have been Robinson's *Elementary Law*, which is mentioned

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75Id. at 55-56. Not all students sympathized quite so readily with the married woman. Writing in 1896, John Morgan remarked "[we] learned that in good old times woman was her husband's common law slave, but, alas, the new woman has become not only the pet of the law but the superior and ruler of her master." John Hill Morgan, *Junior Year*, The Yale Shingle 37, 40 (1896).

76Blake, 1893 Shingle at 57. "When he wasn't driving to Meriden or Wallingford with a hired horse, against his express contract, he was engaged in transporting diamonds or some other equally valuable article, for an innocent friend, loose in the pocket of his overcoat, which he always managed to deposit in some public place where it would be sure to be stolen"

77Id. at 58.

78Id.

79Id. at 58.
repeatedly. Professor Phelps, using the *Bible* as his authority, impressed upon the students that *Elementary Law* was the "rock" that would serve as the foundation for the rest of their legal careers. At least a "score of times" he recited to the students:

The rain descended, and the floods came, and the winds blew, and beat upon that house; and it fell not; for it was founded upon a rock.  

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According to class essayist F.E. Northrup (YLS '99) students were required to learn verbatim "a large number of abstract rules, and long, apparently meaningless definitions, many of which contained "bad Latin," supplemented by "long, profusely written 'cases.'"81 They followed directions, claiming not to have really known why but, by the time they were "Middlers," (second year students) they "appreciated the intrinsic value of [Elementary Law]."82

The class of 1899, for which Mr. Northrup wrote, was the first to experience a "Middler" year. Some claimed it was their "most valuable" when compared with Junior or Senior year, as it "broadened and developed their minds and fit them for the lawyer's true sphere."83

Before there was a Middler class - when the course of instruction was two years - Seniors studied Corporations, Constitutional Law, Torts and Evidence (continued), Estates and Administrators and Essentials of Forensic Medicine, Toxicology and Hygiene. The Forensic medicine class for which this was the text caused much hilarity as, for instance, the students "learned of the merry-go-round that used the anatomy of an unfortunate victim for a speeding

80 F.E. Northrup, *Middle Year*, The Yale Shingle 37 (1899) (quoting Professor Phelps, quoting *Matt. 7:25* (King James)).

81 Id.

82 Id.

83 Id. at 38.
ground, and of the man who annually grew a sort of spontaneous strawberry crop.”

Once the Middler year was instituted, Middler coursework included Private Corporations with Professor Baldwin (the most practical), Constitutional Law, Equity with Professor Phelps, whose “clear and learned exposition of the subject, in carefully chosen language, aided us in obtaining an intelligent comprehension of the fundamental principles of Equity Jurisprudence.” Middlers also were required to take a course in “Pleading” which evidently involved some practice sessions, including service of writs upon hypothetical defendants. By 1904, Middlers were being taught Private Corporations and Equity by Dean Rogers.

All or nearly all of the coursework seems to have been required rather than elective and some of the requirements seem odd today. For instance, all Yale students at the turn of the century were required to study patent law. And what a course it apparently was, described by Francis Parsons in 1897 as a “sentimental journey through which we wandered like personally conducted tourists, learning of the infinitude of subjects, from baking powder to corsets, out of which the ingenuity of man could provide litigation for aspiring young lawyers.” Patent law had its humorous moments as well: “Who that heard the judge’s spirited rendition of ‘Under the Gaslights’ will ever forget that a dramatic situation may be copyrighted?”

In the Fall of 1896, many courses apparently were enlivened by the addition of faculty

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84 Id. at 64-65.
85 Id. at 39.
87 Francis Parsons, Senior Year, The Yale Shingle 61, 66 (1897).
88 Id.
comments about a popular new book - *The Strange Schemes of Randolph Mason*.

This book, according to class essayist Francis Parsons, "permeated the faculty" such that "one instructor after another casually fell into a discussion of the book." Mr. Parsons whimsically indicated his understanding "that the faculty is thinking of making this volume a part of the curriculum next year."

The two-year course gave way to the three-year course just in time for members of the 1893 graduating class to evaluate the change. Some, after stating they selected Yale because the course of study was only two years, sardonically "approved" the newly-required three-year course "especially since we are going to escape it." Francis Joseph Kearful's generally positive reflections on the advent of the three year course, included his comment that it was extremely hard to cover all the requisite material for a sound legal education in two years and also play some sports. But, since someone "exceptionally energetic" was still permitted to cram three years of coursework into two academic years, Mr. Kearful felt the three-year course had few drawbacks and much to recommend it. Still, some men leveled reasonable criticisms at the change. Edward Buckingham (YLS '97) asserted three years was "too long to spend laying a foundation," while Bradford Danielson (YLS '97) complained that the extra year "increases the expense for poor students."

The first students subject to the new three-year requirement were those in the graduating

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90 Francis Parsons, *Senior Year*, The Yale Shingle 61, 67 (1897).

91 *Educational*, 1896 Shingle at 56.

92 Id. at 56-57.

93 *Educational*, The Yale Shingle 72, 76 (1897). Of course during this period when law schools were fighting for academic respectability, any change that kept out the poor probably was seen as an administrative plus.
class of 1899. Students lacking “a liberal education at some collegiate institution” underwent an entrance examination “in room 18.” Fortunately they all passed. By 1898, when the third year was added, Seniors also studied Copyrights and Patents under Judge Townsend, Railroad Law with Judge Baldwin, Railway Management from soon-to-be Yale President Arthur Hadley), Mortgages with Professor Jones, Evidence, Wills, Municipal Corporations, Trusts and Federal Practice. While courses in subjects like patent, copyright, railroad law and railroad management might seem like odd requirements to a modern reader who is acquainted with standard twentieth century law school curriculum, these requirements suggest that Yale students were being outfitted to cater to industrial magnates, not to represent petty thieves in police court. Railroads in particular were a major facet of New Haven commercial life. The town had one major railroad (the New York, New Haven and Hartford Railroad) as well as several smaller railroad companies. Moreover, railroads nationwide had been generating an immense amount of legal controversy because, starting in the 1870's, railroad workers had begun a series of smaller strikes that culminated in the immense Pullman strike of 1894. Yale graduates could probably anticipate doing a significant amount of railroad law.

94 Thomas F. Noone, Junior Year, The Yale Shingle 30 (1899).
95 "Under our old standby, Professor Wurts, we have had our spelling lesson in Trusts." Arthur L. Corbin, Senior Year, The Yale Shingle 42, 45-46 (1899).
96 Id.
99 One hopes that those who did work for railroads conducted themselves with more professional decorum than some of their professional brethren. Connecticut legislator P.T. Barnum, a political foe of big railroad interests, had complained in 1865 that the attorneys for the railroad lobbies were “invading the legislature worse than the lice and frogs of Egypt that crawled and hopped into the bedchambers and
By 1900 "life soon became a routine of nine o’clock and four o’clock recitations." While the students appreciated being able to go home for lunch, they still felt it would be beneficial to have all recitations in the morning.\textsuperscript{100} Perhaps this was impossible because of the faculty’s practice demands during the business day.

Moot court seems to have been held in fairly low regard. Opinions of it included: "a fine place for four fellows to make fools of themselves, and the rest of the class be bored"; "on the present plan a farce for court, attorneys, clients, and especially spectators"; and "a good gymnasium in which to gain strength--physical by carrying heavy volumes to and from the library."\textsuperscript{101} By 1903, discussions of moot courts had virtually disappeared from Shingle pages, while essays on the school debating clubs suggest that interest in debating had increased (see discussion, infra on the Kent and Wayland Debating Clubs), with some moot courts being held during debating club meetings.

When Henry Wade Rogers became dean in 1902, he began instituting a number of changes. The graduating class of 1905 was the first to be affected by abolition of a required "Senior thesis.” Instead, a “fifteen-hour schedule” was put in force,\textsuperscript{102} the school apparently having decided that more time with faculty would be worth more to the students than solitary time spent researching and writing.

\textsuperscript{100}James A. Turner, \textit{Junior Year}, The Yale Shingle 88, 90 (1903).

\textsuperscript{101}1893 Shingle at 77.

\textsuperscript{102}Julius French Miller, \textit{Middle Year}, The Yale Shingle 69, 72 (1905). The term “fifteen-hour schedule” is not further explained but most likely refers to students spending fifteen hours per week in classes rather than diverting a significant portion of that time into an independently-supervised thesis project.
Students' view of and relationship to one another

In describing each other, students resorted to "friendly insults." For example, as Albert Barclay (YLS '95) reminisced about the beginning of his senior year, he noted that all would remember the moment they learned "H.K. Smith had passed off his conditions in Elementary Law and had consequently been permitted to pay another year's tuition. It made us all feel that our chances for fooling a Bar committee were at least even."

Despite the youthful "jabs," students seem also to have genuinely appreciated and acknowledged each other's achievements and activities. For instance each year class members were recognized for having served in a public office. To illustrate, various 1897 graduates had held offices like justice of the peace; tax collector; notary public; delegate to the First Ward Republican Convention; Registrar of Voters in Norwalk; and President of the Board of Directors of New Haven Free Public Library. A Mr. Lewis claimed he was the United States Vice-Consul in Saxony, a claim that seems somewhat questionable, however, since he was only twenty-five years of age, from New Jersey, and probably didn't speak German. (On the other hand, perhaps Vice-Consulships to Saxony were not difficult positions to come by in 1897.)

A certain amount of class rivalry and one-upmanship is apparent in descriptions of some student interactions. For instance, when Yale's "beautiful dining hall" opened in 1901, newly-entering Juniors treated the Seniors who "occasionally condescended to eat at our tables" with "honor, humility and respect," although some of the respect quickly dissipated when one Senior threw ice cream at a Junior, while another called Juniors a "bunch of ill-bred freshies." And

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103 Albert Hampton Barclay, Senior Year, The Yale Shingle 43 (1895).
104 1897 Shingle, at 34, 71.
105 Morris Older, Junior Class, The Yale Shingle 89 (1904). For a photograph of the dining hall, see 1907 Shingle at 78.
each class immodestly (and typically) "claim[ed] to be just about the best that has ever entered this institution."\textsuperscript{106} As one historian for the 1912 class modestly put it: "Without exaggeration of material facts the enrollment of the Class of 1912 in the Yale Law School may reasonably be considered the most portentous occurrence in legal circles in the history of the Bar"\textsuperscript{107} and this despite the class numbering only forty-three because of the increased admission requirements.

Students' opinions of and relations with the Faculty

Seemingly genuine expressions of deep admiration for the faculty recur annually. The 1893 class essayist stated: "That we love and honor our instructors and appreciate their efficiency and ability is shown by the difficulty experienced in selecting our favorite professor."\textsuperscript{108} The essay continues with detailed information about the students' opinions of specific faculty, based upon class surveys. Professor Robinson was voted the favorite professor, with Townsend second and Baldwin "a close third." Professor Robinson also garnered the most votes for "best teacher," with Prof. Baldwin second and Prof. Townsend third. (The class of 1894 reversed Townsend and Baldwin).\textsuperscript{109} Judge Loomis was voted "easiest instructor to recite to,"\textsuperscript{110} while Prof. Baldwin "was far and away the "most difficult to recite to" having "shown

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\textsuperscript{106}See, e.g., F.J. Cronin, \textit{Class of 1908}, The Yale Shingle 129 (1907) (Extolling the merits of that year's Middle Class).

\textsuperscript{107}Francis Melzar Watrous, \textit{Class History: First Year}, The Yale Shingle 74 (1912).

\textsuperscript{108}\textit{The Faculty: or Our Instructors as We Have Found Them}, The Yale Shingle 68 (1893).

\textsuperscript{109}\textit{The Faculty}, The Yale Shingle 61, 62 (1894).

\textsuperscript{110}Possibly because he tended to relieve classroom tension with jokes. \textit{See 1894 Shingle} at 64.
himself to be first and the rest nowhere in reducing us to a semblance of blank inanity best described in 1 Bl. Comm.: p. 303” (referring to Blackstone’s description of the process for determining whether a person was legally an idiot and the legal consequences attendant upon such a determination).\textsuperscript{112} Votes were likewise cast for the professor who told the best jokes. Judge Loomis’\textsuperscript{113} joke on the “subpoena duces tecum” won first place and Professor Townsend’s “on, honor, honest” ran a close second, while “Maccauley’s dead cat anecdote (dead qualifies only the cat, and not the joke, which is only in abeyance pending the entrance of ‘95) ... has a number of ardent supporters.”\textsuperscript{114} Young Mr. Buckland had begun teaching in 1892 and the class felt itself “fortunate...to be the first to recite to him.”\textsuperscript{115} As well, they appreciated his giving them a pre-examination review session. The year 1892 was also the first teaching term for Judge Perry, who taught Evidence “which course, although it seemed very difficult to use at the time, was of great value to us.”\textsuperscript{116}

The representative of the 1895 class listed three reasons for the “peculiar strength” of the

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\textsuperscript{111}1893 Shingle, at 69. Accord class of 1894. 1894 Shingle, at 62. The degree to which Prof. Baldwin could be demanding is illustrated by an anecdote in the 1896 Shingle. After studying McCullogh v. Maryland for seven weeks, “it was disheartening to have Judge Baldwin remark in his casual soothing way, ‘The real fundamental doctrine of the case, gentlemen, which you seem to have missed, is,’ etc. etc.” Winthrop Edwards Dwight, Senior Year, The Yale Shingle 44, 45 (1896). Prof. Baldwin was held in very high regard nonetheless, being voted by the 1893 graduates “best lawyer at the New Haven Bar.” 1893 Shingle at 69. (In 1894 he was voted second best New Haven lawyer.)


\textsuperscript{113}Judge Loomis left Yale in 1894. 1894 Shingle at 51.

\textsuperscript{114}The Faculty, 1893 Shingle, at 71. Sadly, the jokes themselves have not been reproduced in the Shingle volumes. “On, honor, honest” is referenced in several Shingle volumes and must have been funny indeed.

\textsuperscript{115}1894 Shingle, at 50.

\textsuperscript{116}1895 at 51.
faculty: (1) faculty members, having been practitioners or judges, possessed real world experience; (2) they used the "best method" of legal instruction, that is, they taught general principles first and illustrated them with supplementary cases; and most importantly, (3) the faculty showed "deep interest and earnest devotion to the success and advancement of the school." Singled out for special praise was Dean Wayland, without whose efforts the students knew there would never have been a new building. New professors joined the faculty in 1895, including Prof. Wurts who "won immediate popularity by his course on habeas corpus and his graphic sketches of Florida Justice." Mr. Gager taught Equity, Judge Perry Evidence, and Mr. Webb Criminal Law. A "real life" Judge of the Supreme Court of Connecticut "[gave] a peculiar odor of sanctity" to all Moot Court proceedings that year.

The 1896 essayist reported that the students believed the faculty was without doubt the strongest point of the school and "there is nothing too good we can say about them," their goodness being attributed to their "deep and personal interest and earnest devotion to the success and advancement of the school." Judge Baldwin was still the most difficult to recite to (by a wide margin) while Professor Beer and Mr. Webb tied for easiest to recite to. Judge Townsend was the overwhelming choice for favorite professor as well as best teacher.

The 1897 class essayist again emphasized the close relationship between students and

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117Id. at 52.
118Id. at 53.
119Most likely a reference to Yale law professor Simeon Baldwin, who ascended the bench at the Connecticut Supreme Court of Errors in 1893. Frederick C. Hicks, Yale Law School: 1895-1915 - Twenty Years of Hendrie Hall, Yale Law Library Publications, No. 7, at 64 (1938).
120Winthrop Edwards Dwight, Senior Year, The Yale Shingle 44, 45 (1896).
121The Faculty, The Yale Shingle 50 (1896).
faculty "men of exceptional ability at the bench and bar, and best of all, ...men of ready sympathy." Professor Townsend won the "favorite Professor prize from the 1897 graduates, winning 50 votes (the runner up received only 10). And, like the classes before it, the 1897 class expressly praised the faculty, with the essayist noting "we are all agreed that the Faculty of the Yale Law School is, without exception, par excellence." 

Various Shingle volumes contain student expressions of loss over the departure of faculty. These expressions seem genuinely heartfelt rather than conventionally prescribed. For instance, the essayist for the 1900 graduating class, after noting "[t]he enthusiastic tone which the writer has followed thus far must now give way to a reverent tone," reported that members of his class "felt [they] had lost one of [their best friends] when Professor Edward J. Phelps died. ..." "Perhaps the illness of no Yale professor ever excited more sympathy than that of Mr. Phelps. A day did not pass that students and instructors could not be seen approaching his home with the view of learning his condition." He was praised for his "forceful yet simple style" of presenting 'Equity' to the class, for his "unfailing sense of good humor," and for being an "intellectual giant," "beloved of students," and "highly esteemed by his fellow citizens." According to the Shingle essayist, shortly before Phelps died "Queen Victoria cabled her regrets."

Likewise, 1904 graduates lamented the resignation of Dr. William Frederic Foster (Assistant Professor of Mercantile Law and Secretary of the Faculty) because "[h]is genial

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122 The Faculty, The Yale Shingle 68 (1897).

123 Id.

124 The Faculty, The Yale Shingle 45, 46 (1900).

125 Id. Noted in passing, perhaps as a sign of courtesy and respect, was the death of Professor Henry C. Robinson who was "one of the acknowledged leaders of the bar in Connecticut, and who for many years had been a lecturer on legal ethics."

126 Id.
temperament had made him beloved by us all and we feel that one of our best friends left the School when he resigned."

Professor of Roman Law Albert Sproul Wheeler died on January 30, 1905, the news being “received with sincere sorrow by the members of his classes.” When George Zahm left teaching in 1907 to return to law practice, the graduates wished him well, commenting he had been “electrifying and instructive in the class room and certainly pleasing and profitable in outside conversations. No member of the teaching corps was more affable and ready at all times to assist with good, honest advice.” Professor Townsend’s death in 1906 left members of the class of 1909 “stricken with sorrow.” Although no students had had classes with him, it was reported that those who had come to know him personally were impressed and were saddened by his death.

Undoubtedly one of the saddest deaths was that of Dean Francis Wayland. The 1904 class essayist, while remarking that the class had “pledged its loyalty” to the new dean, Henry Wade Rogers, noted that the class maintained a “tender ...memory of him [Wayland] who, at the beginning of our course, was enjoying the fruition of his years of labor, and whose death we were called upon to mourn while we were yet undergraduates. No word from us can pay adequate tribute to the man. The history of the Yale Law School is his history and his enduring monument.” Given Wayland’s tremendous influence on the development of Yale during the latter part of the nineteenth century, the students’ gratitude seems appropriate.

The faculty could be impressive not only academically but even sartorially. When the

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127 Frederick Benjamin Merrels, Senior Class 99, 100 (1904).
128 Richard William Hollaman, Senior Year, The Yale Shingle, 73. 75 (1905).
129 Frank P. McEvoy, Senior Year, The Yale Shingle 81, 84 (1907).
131 Merrels, 1904 Shingle, at 99.
new school building, Hendrie Hall, opened, the faculty “decided that their appearance on state occasions should be both dignified and imposing” (presumably to match the building) and therefore they purchased new academic robes. The students evidently approved. “The sight of our instructors decorated in red, white and blue—and purple, had never been equaled in splendor, and it will only be surpassed when on Commencement Day their insignia of learning are followed by our less pretentious though more gaily-colored hoods.”

Students were not, however, beyond gently teasing the faculty. One Junior asked Professor Wurts during Elementary Law whether false teeth could be considered a “limb,” while another asked “Professor, if a dentist pulls my front tooth, is that mayhem?” The professors apparently were equal to the task of handling such students, however, for Professor Wurts replied “When you pulled your father’s leg last was that mayhem?”

By 1912, the faculty members were allocated more space in the Shingle, with full-page photos and facing page biographies, but the students had less to say about the faculty in their class essays. One class historian, however, did mention “Mr. Edgerton, Prof. Baldwin, Prof. Wurts and Prof. Corbin we liked very much, and I can remember no time when the current of splendid relationship between the instructors and students was even stirred by a ripple.”

Students’ views and opinions of the school

In a segment of the Shingle entitled “Educational,” included in volumes 1893 through 1901 but abandoned in 1902 when the Shingle format changed, students’ opinions were summarized concerning why they chose Yale, how they felt about their education, and what they

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133 Morris Older, Junior Year, The Yale Shingle 89, 90 (1904).
134 Francis Melzar Watrous, Class History: First Year, The Yale Shingle 74, 76 (1912).
considered the “best” and “worst” aspects of law school. A mixture of flippancy and seriousness co-exist in this column. Thus, while one student claimed to have selected Yale due to “circumstances beyond my control,” another related the more likely reason that it offered him a “two years course and expectation of getting a good groundwork in law.”

In 1893, the “Yale method of instruction” (which was not the Langdellian case method already in use at Harvard) garnered the largest number of votes for “strong points of the Law School.” The runner up for strongest point of the school was “the strong faculty.” Each year both the faculty and the course of instruction were mentioned as “most significant reason” for selecting Yale. Still, William Rankin Johnston (YLS 1897), originally from Pennsylvania and a graduate of Yale Sheffield Scientific School (with high honors), may have best captured the “reason” many students of his day (and ours) selected Yale: “Because it was the Yale Law School!” More pragmatically, Arthur Corbin, a 1899 graduate, was quoted as saying he chose Yale “Because of the two-year course and less expense than elsewhere.”

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135 *Educational, or Why We Came to Yale Law School, How We Have Accomplished the Great Task for Which We Came, and Various Opinions Formed While Here*, The Yale Shingle 73, 74 (1893).

136 One 1897 graduate, Caleb Albert Morse, felt the “strongest” point about Yale Law School was his classmate, Frank Newberry’s, feet. *Educational*, The Yale Shingle 72, 74 (1897).

137 Id. at 74; accord classes of 1894 & 1896. *See Educational*, The Yale Shingle 66, 68 (1894); *Educational*, The Yale Shingle 54 (1896). “The School’s proximity to Heublein’s” (a popular bar) received some votes from the more irreverent in the 1893 class. For a picture of Cafe Heublein, corner of Church and Court Streets, *see* 1912 Shingle at 55. The law school held classes in rooms above the Cafe Heublein before acquiring classroom space in the New Haven Courthouse. *See* Henry Wade Rogers, *Historical Statement*, The Yale Shingle 11, 16 (1911).

138 *Educational*, The Yale Shingle 72, 73 (1897).

139 *Educational*, The Yale Shingle 54, 55 (1899). Later, however, he is quoted as saying that the three year course is “[a] good thing, but seriously infringes on collateral reading, pleasure and exercise.” Corbin seems, in fact, to have been one of the more critical graduates. When asked whether he had any regrets about selecting Yale, he said “once for ‘some instances of insufficient instruction,’” and in response to a question about what the school lacked he stated
Although the students felt positively about the school, they were aware that the school was not necessarily held in especially high esteem by the rest of the University faculty. One writer in the 1895 Shingle attributed the attitude of the Academic and Scientific departments at least partly "to the lack of school organization and to the comparative insignificance of our former home [on the top floor of the New Haven County Courthouse]. How a Law School of any real importance could inhabit such cheap and incommodious quarters as those occupied by the Yale Law School in the past, doesn't become evident at first thought to the average prospective law student....Now that we occupy our new building we anticipate a recognition in the University and in the outside world as full and broad as it will be deserved."  

A number of students had personal knowledge of other schools that helped to inform their impressions of Yale. For instance ten of the graduates in the class of 1896 had started their legal training elsewhere, at schools including New York Law School, Cincinnati, Columbia, Ohio State, Alabama, Indiana, Boston University, Dickinson, Metropolis Law School, and Detroit Law School.  

While thoroughly enjoying the faculty and course of study, students were less happy with the physical plant, being "practically united" in their opinion that what the school needed most was a new building. By 1896, when classes were meeting in Hendrie Hall, the building for which the 1893 class had longed, the graduates listed "new front" (of Hendrie Hall) as the school's greatest present need. One enlightened soul among the 1893 graduates suggested that the school needed "female students" (which it would not get for another twenty-five years.)

In the spring of 1895, enough of Hendrie Hall had been completed that the law school..."teachers that know how to teach and whose interests are more closely identified with the school." Id. Since he himself joined the faculty in 1903 as an Instructor of Contracts (promoted to Assistant Professor of Contracts in 1904), one assumes he quickly set about upgrading the level of teachers.

140 The Faculty, The Yale Shingle 51, 52 (1895).

141 Educational, The Yale Shingle 54, 58 (1896).
was able to occupy it “[leaving] behind forever the discomfort and unhealthiness of those wretched old rooms, the remembrance of which will remain with us as a nightmare forever.” Writing about the move, Mr. Morgan said it seemed to improve the disposition of all the class members, remarking that “there seems to be a portion of each class who appear to consider the study of law, not as the serious preparation which will fit them to earn their bread but as a huge joke; that they pay their tuition in order to annoy their professors as far as they dare, and that to render themselves as disagreeable as possible to their serious class-mates is the one aim and ambition of their life.” Impliedly, this annoying trait of some students evaporated on account of the good cheer engendered by the move to Hendrie Hall.

By 1900, a new front was added to Hendrie Hall, completing the structure. That year’s graduates were pleased to “have the honor to be the first [class] to graduate from a completed building” and expressed their gratitude to Dean Wayland for making this possible by raising the necessary funds for the building’s completion.

Generally life at Yale Law School, while intellectually rigorous, appears to have been relatively relaxed. Mention is made of few specific rules, although apparently a document entitled “Rules and Regulations of Yale Law Department” did issue in 1900. Tobacco use was one regulated activity. For instance, signs warned against spitting on the floor and Dean Wayland was wont to insist that the “misguided youths who had contracted the tobacco habit...would please retire to the basement” to smoke. Indeed, the Dean was known to

142Id. at 41.
143Id. at 41-42. Those intimately connected with academia would probably acknowledge that this breed of student has not totally died out.
144The Faculty, The Yale Shingle 45 (1900).
145William Henry Darrow, Middle Year, The Yale Shingle 108, 109 (1902).
146Id. At 109.
interrupt other professors’ class lectures to tell students why they should refrain from the “offensive habit of chewing tobacco with its accompanying disagreeable effects.”147 Noticing that they were not allowed to spit on the floor, aspiring lawyers assumed that they might expectorate in other directions (say, on the walls).148 As to smoking, Professor Wurts invited students to “join him” in his office for collegial indulging in tobacco. Students did not, therefore, necessarily have to retire to the basement.149

Once Dean Wayland was replaced by Dean Henry Wade Rogers, the rule against tobacco (but probably not against spitting on floors) may have been repealed, since the school actually held “smokers” at which faculty and students shared “choice Havanas” and “deep, deep, red punch.” Robert Strahan (YLS ‘04) probably spoke for many of his classmates in stating “[f]rom a serious standpoint there can be no doubt that the faculty smoker is a valuable institution in a large university.”150 The smokers do sound enjoyable (except for the smoke!) In 1902, entertainment at smokers included stories about China from graduate students Yu Chuan Chang and Chung Hui Wang, as well as Hawaiian music sung by Amgrham Gilbert Kaulukou and a recital by Filipino Salvador Zaragoza about Dewey’s victory and the fall of Manila.151

One of the biggest changes occurring at the law school during the Shingle years was the change requiring a college degree for admission. The 1904 Shingle contained a point-

147 Noone, 1899 Shingle at 34.
148 Id.
149 Id. Professor Wurts did not, however, approve of smoking in the halls and, in fact, found that behavior “quite offensive.” C.H. Woods, Junior Year, The Yale Shingle 69, 71 (1907).

150 Robert Strahan, Middle Class 95, 96 (1904); accord Frank Kenna, Junior Year, The Yale Shingle 63, 66 (1905).

151 Frank Kenna, Junior Year, The Yale Shingle 63, 67 (1905) (Zaragoza’s “foreignized, but effective, English was fascinating”).
counterpoint discussion of the new entrance requirements. Professor Theodore S. Woolsey wrote that “in the country at large, the presumption is strongly against the degree requirement,” with only about six schools requiring a degree for entry to law school and “there is a back door open in all of these schools to men of high attainments who do not hold degrees (a very small percentage, it may be, as in Harvard’s case).”

So, declared Woolsey, men without college training had enough schools from which to select. But there was room for schools to accommodate “social or personal leaning of college men towards those professional schools where they will associate only with their peers, with men of much the same training, ideals, habits as themselves.”

Homogeneity, not diversity, was seen as the most solid foundation with which to attract “the teacher who realizes what a drag upon the whole of the class the ill-educated end of it forms.”

In response, Howard Humiston (YLS '94) suggested that the educational requirements be gradually raised. Charles Francis felt the change was necessary because many college-educated men who attended Yale were bored and others, fearing boredom, simply went elsewhere.

And, finally, John Sears, the 1904 class president, suggested that the degree requirement might encourage a man considering law school (and hoping to attend Yale) to attend college when he might otherwise skip it. Thus, Sears concluded “the degree should be required by Yale; with qualifications sufficiently liberal to allow one to enter without a degree; but require of him a high standard of work, not as high as that set by Harvard, but sufficiently high to keep before him the fact that he has things to make up to reach to the plane of those who have

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153 Id. at 42.
154 Id.
155 H. Humiston, 1904 Shingle at 43.
156 Charles Driver Francis, 1904 Shingle at 43.
had the college course."157

An occasional essayist waxed emotional about the school. For instance, one would be hard pressed to surpass the final words of W.E. Collins (YLS '10) who said "To exist three years at Yale must make every man a deep lover of the Yale life and Yale spirit...[m]ay we so cherish Yale ideals that the careers which we now begin may be a standing and growing monument to their influence upon our lives, so that we may sing [Yale's alma mater] with the depth of real devotion and conviction."158

Life's practicalities

Although in many ways the students seem to have been oblivious to, and insulated from, the severe economic downturn of the 1890's, finances still concerned some of them somewhat. The class of 1894, after being invited to the Dean's office to pay tuition stood "wondering where we were to get enough money together to keep on with our studies, and not be obliged to borrow from our fond parents, or the Hon. Solomon Fry"159

The price of books was a concern. "[T]he price of [faculty-endorsed textbooks] appalled us exceedingly" writes Charles Pelton (YLS '98).160 Each year more books had to be purchased (at E.P. Judd & Co.) And one way to finance this expenditure was to "dispose...of our last year's

157John H. Sears, 1904 Shingle at 44 (emphasis added). Mr. Sears does not indicate what form this "requirement of a high standard of work" would take.


"Mother of men, grown strong in giving,
Honor to them thy lights have led;
Rich in the toil of thousands living,
Proud of the deeds of thousands dead,
We who have felt thy power and known thee,
We in whose works thy gifts avail--
High in our hearts enshrined, enthrone thee,
Mother of Men--Old Yale!"

159The Faculty, 1894 Shingle, at 49. The text does not explain who Mr. Fry is - possibly a local loan shark.

volumes to unwary Juniors at fabulous prices."161 In 1904, senior Ben Wright apparently ran a
brisk business in used books, using as his office locker 151 in the Hendrie Hall basement and
extracting students’ money “in a skillful and professional manner, worthy of a lawyer of years of
practice. If you happened to be a pretty close dealer you might get one of Ben’s stogies.”162
Retail prices do sound rather high. For example, in 1900, Parsons on Contracts cost $15.25 at
Judd’s.163

Rooms had to be rented and board obtained as well. Examples of establishments
whimsically mentioned by Shingle writers included boarding houses run by “Miss Stykem, a
maiden lady of uncertain age, Mrs. Fakem, a keen-visaged matron, who took ‘just a few roomers
to make it pleasant for the boys,’ Mrs. Skinem, etc.”164

The Students’ View of and Participation in the World Outside the Law School

Political events touched the lives of Yale law students in 1895-96. President Grover
Cleveland initiated a military conflict on behalf of Venezuela and the students, having been told
by Judge Baldwin that they were all part of the militia of the United States, began to fantasize
about participating. “Unfortunately the war of 1895 was bloodless” so nothing much came of it.

161E.F. Northrup, Middle Year, The Yale Shingle 37, 38 (1899).
162Matt S. Walton, Middle Year, The Yale Shingle, 82, 93 (1906).
163William Henry Darrow, Middle Year, The Yale Shingle 108, 109 (19020>.
164Thomas F. Noone, Junior Year The Yale Shingle 50, 51 (1899). Evidently landlord-
tenant relationships were not the best, as evidenced by comments like “the landladies especially
and boarding-house people are robbers...they are grasping and greedy with an intense love of
lucre,” though one declared “when you get acquainted they are warm-hearted and agreeable, and
are noted for their courtesy.” Social, The Yale Shingle, 91, 94 (1893). New Haven historians
Shumway and Hegel mention that in 1884, fifty-one boardinghouses operated in New Haven.
Thorstein Veblen lived in one on York street while working on his doctorate from Yale and
“some of his bitter reaction to life in that elegant neighborhood may have gone into The Theory
of the Leisure Class, published fifteen years later. Floyd M. Shumway & Richard Hegel, New
The September day in 1896 when classes began at Yale was the same day William
Jennings Bryan came to New Haven on a campaign trip. The city threw quite a party, with a
brass band and the "Naval Preserves" participating in the "whole-souled welcome New Haven
gave Mr. Bryan."165 There was some problem with voting that year, for "those of us who could
do so went home to vote, and those who couldn't go home tried to vote in New Haven. A cruel
city government, however, refused this privilege for a time to many of us."166 Frank Newberry
(YLS '97) successfully protested the disenfranchisement, however, and those wishing to vote in
New Haven ultimately were able to do so.167

Of course the most immediate contact the students had with the world outside Yale was
with residents of New Haven. Yale students managed to stir up town-gown hostility in the Fall of
1897 when, after Yale beat Princeton at football, "1,000 drunken students paraded the streets;"
according to the N.Y. Vice, which quoted one good New Haven lady as saying "she would rather
send her son to hell than to Yale."168

The Maine was sunk in Havana Harbor in the fall of 1897, causing great excitement
among the law students, sometimes to the point of interfering with their concentration in class.
"Eagerly were the papers read (even the Yellow Journals) and often, I fear, must our instructors
have felt discouraged when they saw a few of us so engaged [in reading yellow journalism]

165And the class that entered Yale in the Fall of 1896 took to heart the great welcome,
vicariously partaking of it and, the following year, when they returned to Yale, may have felt let
down. They would not admit it, however, saying instead "we in our great zeal to resume our
studies [returned] quietly and with no pretentious parades. Addison S. Pratt, Senior Year, The
Yale Shingle 52, 53-54 (1898).

166Francis Parsons, Senior Year, The Yale Shingle 63, 64-65 (1897).

167Pratt, 1898 Shingle at 54.

168Id.
during their lectures."169 One member of the original class of 1898, a Mr. Blatchford, joined the Naval "Preserves" under the direction of Professor-turned-Commander Buckland. As no Blatchford is listed among the 1898 graduates, it can only be assumed that military duty permanently diverted him from his legal aspirations. Archibald Weaver Powell (nickname "sargeant"), however, left to fight in the war, suffered a shattered thigh and shoulder, and returned to law school to graduate with the class of 1900.170

The memorable event of 1901 was Yale University's Bi-Centennial Celebration. It involved members of all Yale departments, citizens of New Haven, and people across the country, and was reported upon in some detail in the 1902 Shingle. The celebration lasted four days with "over half of the [presumably living] graduates coming to campus to participate in "that great family gathering in the campus amphitheater on Tuesday night."171 New Haven citizens joined the celebration by decorating their homes and businesses "on the lines adopted by the University, and the result was so thoroughly artistic as to attract special attention from every spectator, and mark an era in harmonious decoration on a large scale."172 On Monday night of the celebration the University held a torchlight procession in which "fully ten thousand graduates, under graduates and military took part," wearing elaborate costumes.173 The law students wore dark purple gowns and caps to match, led by their marshal, Mr. Philip Kunzig, captain of the Varsity Crew, "clad in an all white duck suit with blue trimmings and large hat

169 Id. at 56.
170 Junior Year, The Yale Shingle 25, 29 (1900).
171 Charles A. Greene, Yale's Bi-Centennial, The Yale Shingle 7, 12 (1902).
172 Id. at 13.
173 For a photo showing some of some of the other costumes, a few of which seem less "elaborate" than simply amusing, see Id. at 19.
with a white plumes,” while Foresters were a “conspicuous feature of the procession...clad in suits of Lincoln Green and carrying long bows in true Robin Hood style.” So large was the procession that it took the full group an hour to pass any given spot on the parade route. Later, an estimated fifteen thousand Yale brothers, old and new “from all quarters of the globe went back to the spirit of their college days, sang the old songs and renewed their youth.”

On Wednesday, President Roosevelt arrived on his “special train” and was taken to the campus, where he walked down Elm to Temple accompanied by Yale’s president Arthur Hadley, through the Green to campus and to the Hyperion where, as might be expected, not all who wished to attend could obtain entrance. One publication flowing from the Bi-Centennial celebration was Two Centuries’ Growth of American Law, written by eleven members of the Law School Faculty. This 520-page publication contains historical essays summarizing the development of American law during 1701-1901 in seventeen distinct subject areas.

In the fall of 1904, as if an upcoming presidential election were not enough to activate the campus (“the smoking room was the scene of many a fierce brawl or fiery table speech”) 

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174 Id. at 20.
175 Id.
176 Id.
177 Id.
179 The subjects were constitutional law, real property, contract, torts, equity, mortgages of real property, wills, municipal corporations, private corporations, pleadings in civil actions, evidence, criminal law and procedure, patents, copyrights, trade-marks and unfair trade, admiralty, and international law. Id. at vii. For a listing of chapter topics and authors, see Appendix 5.
180 Matt S. Walton, Middle Year, The Yale Shingle, 82, 84 (1906).
students were “aroused from mortgages (meaning dead to the world)” by the sounds of parading Japanese students honoring Prince Fushimi who had won the Battle of Ztilzantiski against the Russians.\textsuperscript{181}

Yale 100 years ago hosted prominent guests who came to offering their advice to members of the university community. For instance, in 1902, Carrie Nation visited Yale and “gave her harangue on the Osborn Hall steps,” and “seemed to direct her talk to a group of Law School men.”\textsuperscript{182} There is no report of students taking Ms. Nation’s temperance advice to heart, but her words did give students something to discuss in the “smoking room,” and provided interesting material for their letters to parents and friends.\textsuperscript{183}

**Social Life - of New Women and New Haven Girls**

Even though “naturally and of necessity, in a graduate school, the social side of life is an element of much lesser importance, or, at least, prominence, than among a body of undergraduates,”\textsuperscript{184} law students need some diversions. Their extracurricular interests occasionally move beyond drinking and athletics (which feature fairly prominently in *Shingle* pages but are not discussed in this paper, since they are rather amply covered in Frederick Hicks’ history of the Law School) to include romance. *Shingle* articles confirm that the Yale men from time to time looked up from their law books to concentrate on members of the opposite sex (who were, of course, banned from studying law at Yale until 1918).

The early *Shingles* contained comments proving that women were most assuredly viewed as sex objects by Yale men, who offered their “opinions of New Haven girls” ranging from “they

\textsuperscript{181}Richard William Hollaman, *Senior Year*, The Yale Shingle 73, 75 (1905).

\textsuperscript{182}Frank Kenna, *Junior Year*, The Yale Shingle 63, 66 (1905).

\textsuperscript{183}Id.

\textsuperscript{184}John D. Thompson, *Social*, The Yale Shingle 97 (1897).
are great sport,” “they have the art of make-up down fine and are quite chaste, or chased,” “a few are babes, but the vast majority are far from it,” “coldly and classically beautiful,” and “too thin and delicate to suit.”

Proving “to each his own” one man said the New Haven girls were “perfection personified” while another said “the pretty ones are literally out of sight.”

Activities with (and presumably without) these women included trips to entertainment emporia such as Poli’s Museum, The Hyperion, and the Grand, as well as theatre and operas. Some students enjoyed dancing, while one 1893 graduate ventured it was “hard work.” When polled, the students admitted to enjoying a number of amusing activities, like poker, whist, chess, baseball, billiards, races and pool.

Opinions on the New Haven Girls may have been mixed but opinions on the “New Woman” (the era’s feminist icon) were uniform. Yale men regarded the New Woman as “a hard subject to deal with” a “likely candidate for the lunatic asylum,” and a “miserable caricature on what woman should be.” One suggested a legal solution: “[S]he should be abolished by statute.” Another did not so much criticize the New Woman as warn men to beware of her

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185 Social, The Yale Shingle 91, 92 (1893). No mention is, of course, made of how the New Haven girls would rate the Yale “boys.”

186 Id. at 93.


188 Id. at 98.

189 See June Sochen, The New Woman: Feminism in Greenwich Village, 1910-1920, at 6 (1972). The New Woman believed in equality of opportunity, felt women should be able to develop their abilities to the fullest rather than passively accepting the cult of domesticity, and advocated rewriting laws regarding marriage, divorce, and inheritance so that the wife and mother would no longer have to depend on her husband and, instead, would be a full partner in the business of conducting a household. Id. at 33.

190 Robin MacDonald, Social, The Yale Shingle 72, 74 (1896).

191 Id.
unless “he knows how to cook, tend babies, sew, wash, etc.—in short is a professor of domestic economy.” The class of 1900 listed the qualities they found most desirable in women, among them beauty, womanliness, silence, generosity, and good cook, which explains why little enthusiasm existed for the New Woman.

The Yale Law Journal

The first issue of the Yale Law Journal predated the first issue of the Yale Shingle by one year. Volume 1, Number 1 of the Journal, dated October 1891 but actually published in 1892, encompassed 44 pages. The full six numbers of Volume 1 cover 278 pages. Volume 1’s Index listed the following four categories:

>Articles - the forerunner of today’s law reviews. In 1891, the articles were scholarly essays of varying quality. By 1912, they included citations to authorities supporting the arguments made.

>Editorials - comments by the Journal’s editorial staff on the Journal itself, the law school, and current events generally. For example, editorials in Volume 1 covered the following topics:

- Independence in Modern Life;
- Lectures on Evidence;
- Legal Esprit de Corps;
- Methods of Legal Education;
- National Uniformity in Requirements for Admission to the Bar;
- Reforms in Criminal Procedure;
- Transformation of Professional Life;
- Yale-Harvard Intercollegiate Debate;
- Yale Law Journal;
- Yale Law Schools;
- Yale Law School Building.

>Comments - short synopses (a paragraph or two - occasionally a sentence) of interesting legal developments.

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192 John D. Thompson, Social, The Yale Shingle, 97, 100 (1897).

193 George W. Rourke, Social, 67, 70 (1900).
>Recent Cases - a series of short "case notes," generally less than a page in length, and reading somewhat like a case brief. The Journal's first issue contained fourteen such notes, while Volume 1 in its entirety contained eighty.

While not listed in the "Index," one additional category of material was contained in Volume 1 - "Book Notice" - consisting of a review of The General Principles of the Law of Evidence by Frank S. Rice.\textsuperscript{194} By 1912, this department had become a full "Book Reviews" section.\textsuperscript{195}

Within Journal pages, its editors self-consciously commented upon the publication. Its purpose, according to its first editorial board, was to help the graduates of the Yale Law School establish the "esprit de corps which is necessary for effective unity."\textsuperscript{196} The founding editors viewed the Journal as a forum for discussion of policy and methods of legal education among current members of the Yale University Department of Law and also "as a technical magazine of law" - a forum for legal discussion among its graduates. Although the Journal apparently received some criticism for publishing student work, the editors defended this decision, stating "publication of the best student efforts is a most potent aid in the cultivation of its theory. The value to the writer is to be considered in such publication."\textsuperscript{197}

Each issue of the Shingle devotes a few pages to the Yale Law Journal, giving us insight into the publication's first twenty-one years of progress. Writing in the 1893 Shingle, Harry

\textsuperscript{194}"This work is advertised as being a working tool--not a classic. ...Everything dead and obsolete--so much of which mars the present usefulness of the older and standard works on this subject---is cleared away, and nothing is given but the living law." Book Notice, 1 Yale L.J. 278 (1891-92).

\textsuperscript{195}See, e.g., Book Reviews, 21 Yale L.J. 104 (1911).

\textsuperscript{196}Editorial, 1 Yale L.J. 30 (1982).

\textsuperscript{197}Id.
Goodyear Day, the Journal's treasurer, explained how the Journal came into existence.\textsuperscript{198} The idea of starting a school magazine arose during a meeting of a "Quiz Club" - evidently, a student's study group - consisting of ten men from the Yale class of 1892: W.P. Aiken, A.P. Day, S.H. Fisher, L.S. Haslam, W.A. McQuaid, R.T. Platt, W.H. Smith, S.A. York, Jr., T.F. Bayard, Jr., and H.F. Walker, and one 1889 Yale graduate, E.G. Buckland, as "instructor." Being convinced that the idea was a good one, they called a meeting of the law school and determined to start publishing six volumes a year. The faculty and some alumni promised financial support and Dean Wayland, as well as Professors Baldwin, Townsend and Watrous also donated time and advice.\textsuperscript{199}

The Journal quickly incorporated as The Yale Law Journal Company.\textsuperscript{200} From the outset, the Journal was a financial success and, by 1893, plans were underway to pay contributors for articles once the Journal's fund reached $1500.00.\textsuperscript{201} Proud of the Journal's first two years of successful operation, its 1893 essay contributor to the Shingle proclaimed "[t]he highest aim of its founders and supporters is to have it a truly representative Yale publication, and the character of its leading contributions in the past is a sufficient guarantee of a brilliant future."\textsuperscript{202}


\textsuperscript{199}Id. at 87.

\textsuperscript{200}Writing about the journal's incorporation, however, Frederick Hicks indicated that no articles of incorporation were ever located. See Frederick C. Hicks, Yale Law School: 1869-1894, Including the County Court House Period, Yale Law Library Publication No. 3, at 70 (1936).

\textsuperscript{201}This may have taken awhile. By 1896, the editors were accepting a variety of non-cash payments for advertising space, including books, clothing, coal, provisions, chalk, marbles, potatoes, corsets, and hairpins. Frederick C. Taylor, The Yale Law Journal, The Yale Shingle 69, 71 (1896). By 1909, the editors admitted that the fund had fallen into abeyance. But this year a percentage of the profits will be devoted to this fund." Rolla H. McQuistion, Yale Law Journal, The Yale Shingle 141, 142 (1909).

\textsuperscript{202}1893 Shingle, at 88.
The following year, secretary/treasurer William Bosley discussed the transition from one editorial board to the next. "We all thought we were honored; we now know that the price of the honor is serious and conscientious effort for which experience gained is the only compensation."\textsuperscript{203} With this comment, Mr. Bosley not only underscored the hard work well known to every journal editor, but also emphasized that, unlike editors of other Yale publications, the *Journal* editors worked for no salary except the satisfaction of having given their "unselfish devotion" to a good cause.\textsuperscript{204} The 1894 editors planned for the Journal to branch out beyond discussions of legal issues and include information that could "keep the alumni and friends of the School in touch with its actual needs and active work."\textsuperscript{205}

By 1895, the *Journal* had been in existence four years and its editors considered it "an essential part of the life and strength of the school" perhaps because "[i]ts foremost and governing purpose, and that to which everything else is subordinated, is the good of the school."\textsuperscript{206} In his *Shingle* essay, Mr. Smith reminds his reader once more that the editors are uncompensated by earthly rewards\textsuperscript{207}, and even mentions some of the "sorrows" attendant upon being an editor, for instance, illnesses (real or feigned) causing prospective authors to renege on promised contributions; bankruptcies causing advertisers to fail to pay;\textsuperscript{208} and problems with


\textsuperscript{204}Id.

\textsuperscript{205}Id. at 84.


\textsuperscript{207}Id. The lack of editorial compensation was also mentioned in 1896, 1897,

\textsuperscript{208}Many New Haven businesses could have been enduring financial hardships during this period since, during 1895, the country was suffering from a devastating economic downturn. See 2 Paul S. Boyer et al., *The Enduring Vision: A History of the American People* 704-706 (2d ed. 1993).
printing companies.\footnote{Id. at 69.}

One topic routinely arising in essays by Journal editors, both in the Journal's editorial pages and in the Journal's essay in each Shingle, is concern over the Journal's subscription list. In the 1896 Shingle, the editors complain that few 1896 graduates' names are to be found on the subscription rolls and suggest - perhaps with tongue at least somewhat planted in cheek - that regular reading of the Journal might help graduates to become "great."

One question laid to rest by the 1896 editorial board was "whether or not the Law Journal was a 'funny paper..."\footnote{Id. at 70.} While acknowledging that some of the contributions of first year class members (then known as Juniors) might reasonably raise a question about the Journal's jocular intentions, the editors flatly state "[t]he Journal is not, however, intentionally humorous. We have rejected a number of lyrics on that ground."\footnote{Id.}

When the Journal began publication, the usual course of study at Yale Law School was two years. Thus, each editorial board began completely anew, without experienced senior members' guidance. In 1896, the school instituted a requirement of three years' study for graduation. This change worked to benefit of the Journal, whose board thenceforth could consist of some experienced board members to train the new members.

Edward Beattie's essay in the 1898 Shingle applauds the advent of a board consisting of two classes, senior and associate,\footnote{Edward W. Beattie, Jr., The Law Journal, The Yale Shingle 95 (1898).} with associate members being selected during the spring of

\footnote{Frederick C. Taylor, The Yale Law Journal, The Yale Shingle 69 (1996) "[I]t is doubtless true that the ability to appreciate a good thing is an important element of success, and those who would rather sacrifice the sum of two dollars annually than be deprived of the use of this magazine, have a \textit{prima facie} presumption of greatness in their favor.")}
their second year so that they could work for a time with the help of the senior board members.\textsuperscript{214} Other changes in 1898 included an increase in the subscription price and the institution of monthly issues, up from only six issues a year.\textsuperscript{215} By then, the \textit{Journal} saw itself as “the only magazine of its kind in Connecticut [one that] should stand forth as well the recognized organ of the bar of the State as the representative of the Law School.”\textsuperscript{216} Toward this end, the outgoing board had made an effort to pay more attention “to matters of paramount importance and vital interest to the lawyers of the State.”\textsuperscript{217}

The first \textit{Shingle} essay to address the manner of selecting \textit{Journal} members appeared in 1899, the \textit{Journal}’s eighth year of operation, and the first year during which the \textit{Journal} had a board who could work on the publication for three years. Much was made of the continuity provided by having senior board members train associate members and how this relieved the new members from having to, in effect, re-invent the proverbial wheel.\textsuperscript{218} For that year only, the

\begin{footnotesize}

\textsuperscript{214}The essay states that the “associate board will be chosen in the spring of their middle year, thus they will have the advantage of a year’s apprenticeship before they are called on to assume the responsibility of conducting the magazine.” Id. A year’s apprenticeship does not, however, seem possible if students are selected in the second half of second year, since the seniors would be graduating at the end of that semester.

\textsuperscript{215}Id. at 97.

\textsuperscript{216}Id. at 98. This aspiration to be an organ of the state bar of Connecticut highlights the essentially local nature of Yale Law School at the turn of the century. For example, in 1893, in a graduating class of 79, 29 were from Connecticut and another 9 from New York or neighboring New England states, while 41 were from other parts of the United States or foreign countries. In 1898, the very small class of 28 held 9 graduates from Connecticut, 9 more from New York, New Jersey and neighboring New England states, and 10 from elsewhere. By 1906, out of a class of 90, 25 were from Connecticut, 41 from New York or neighboring New England states, and only 24 from other states or countries.

\textsuperscript{217}Edward W. Beattie, Jr., \textit{The Law Journal}, The Yale Shingle 95, 97 (1898).

\textsuperscript{218}One wonders why the outgoing board members could not have recorded their editorial policies and procedures for the benefit of future boards. Perhaps the perceived or experienced need for hands-on training suggests there really are benefits to “apprenticeships.”

\end{footnotesize}
Journal held its usual competition for spots on the Board and then added the “three honor men” of the Middle\textsuperscript{219} Class.\textsuperscript{220} The board also increased in size from six to nine members and adopted a new cover design.

The method of selecting board members again arose in 1900, as “[t]he 1900 Board was much hampered at the start by being composed of men entirely new to the work.”\textsuperscript{221} A new board selection process was instituted in March of 1900 to replace the previous “thesis competition.” Under the new system, each Spring the faculty would recommend fifteen first-year students, who would become eligible to compete in a “recent Case and Comment” competition. No more than six finalists would then be selected to join the board.\textsuperscript{222} Two or more additional members would be selected from the second year class “at the discretion of the Board; perhaps with the assistance of a slight competition, but in general basing the election on the personal knowledge of the editors of the men in their class best fitted to help in the work.”\textsuperscript{223} Believing the Comment and Recent Case Department to be the most valuable segment of the Journal for lawyers and students, the 1900 Board attempted to strengthen it, while dropping the Journal “editorials” on the ground that they had been little more than Comments bearing a different name.\textsuperscript{224} Finally, the Board decided to cut back from nine issues to eight.

In 1901, the Board abandoned the system of having the faculty recommend a limited number of first year students as competitors for the Journal. Instead, the Board opened the

\begin{footnotes}
\item[219] Middle Class is the second year class.
\item[222] Id.
\item[223] Id.
\item[224] Id. at 66.
\end{footnotes}
competition to all who wished to participate.\textsuperscript{225} Forty-one men competed. The 1901 \textit{Journal} Board instituted a new section of "Alumni Notes" to enable alumni to keep up with each other's activities and to "[bind] them by a closer link to their Alma Mater."\textsuperscript{226} The \textit{Journal} also began adding photographs, of Hendrie Hall and the new Auditorium "a noble room of which we may well feel proud."\textsuperscript{227} Although the Board "hoped that this feature may be continued in future years, thus preserving in permanent form such views and portraits as may be of interest to the readers of the \textit{Journal},"\textsuperscript{228} no other issue of the \textit{Journal} contains photographs.

In October of 1901, Yale University celebrated its Bi-centennial; thus, the \textit{Journal} issued a "special Bi-Centennial number "prefaced by an article from the pen of Honorable Simeon E. Baldwin,--of the Supreme Court of Errors of Connecticut, on 'Yale Men as Writers on Law and Government,' which was followed by a chronological bibliography of the legal and political writings of Yale Law School Men."\textsuperscript{229} Having obtained funds from alumni and students, the \textit{Journal} announced its plans to donate to the law school a portrait of Judge Baldwin.\textsuperscript{230}

By the following year, the editors noted that law reviews, published "either by students alone as here at Yale, or under faculty management as at Ann Arbor," [the University of Michigan] were becoming popular in the legal world and were "destined to occupy perhaps the leading place in this branch of Journalism."\textsuperscript{231} One policy change was to end the practice of limiting competitions for Board to first year students as that has "deprive[d] the \textit{Journal} of some

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\textsuperscript{225} Cornelius P. Kitchel, \textit{The Yale Law Journal}, The Yale Shingle 63 (1901).

\textsuperscript{226} Id. at 64.

\textsuperscript{227} Id.

\textsuperscript{228} Id.


\textsuperscript{230} Id. at 130. The portrait currently hangs in the Yale Law School faculty dining room.

able men and [lessened] the interest in the paper among the members of the school."\textsuperscript{232} The new policy allowed all students to compete for membership, with the Middlers and Juniors competing by writing recent case digests and the Seniors competing by writing comments (the space for which was increased). The 1903 Board seemed somewhat regretful about their accomplishments "[t]he \textit{Journal} under our management has not been all that we planned and endeavored to realize..." but they still hoped that their "labors...contributed to the good name and future of the School whose name it bears."\textsuperscript{233}

The 1904 Board apparently encountered some difficulty with the membership competition, as John Sears, its Chairman, started his \textit{Shingle} essay stating, "It was the first aim of this year's Board to eliminate a feeling in the School that the competition was unfairly conducted."\textsuperscript{234} In deciding which Recent Cases to publish the Board had been accused of, and in fact had occasionally exercised, favoritism. The Board, therefore, elicited the agreement of a faculty committee to serve as a "Court of Review" for three years, to monitor selection of new \textit{Journal} members. Another challenge facing the growing \textit{Journal} was the need for quality control. Since the Board membership changed yearly, there was always a risk of inexperienced editors performing amateurishly; yet the \textit{Journal} itself needed to maintain a high level of professionalism "for the \textit{Law Journal} competes to a certain extent with legal magazines conducted by experienced editors as a permanent business enterprise."\textsuperscript{235} The suggested solutions for ensuring quality included "each Board adding something toward the permanent improvement of the \textit{Journal}'s facilities," as well as "helping the succeeding Board in securing

\textsuperscript{232}Id. at 122.

\textsuperscript{233}Id.


\textsuperscript{235}Id. at 112.
articles” and “discussing problems with the associate editors.” As well, the Board concluded that physical organization was required. Hence, it began to keep back Journal issues in a filing cabinet donated by the faculty; created a card catalogue of contributors; began compiling an index of Volumes 1-13 of the Journal; and attempted to raise alumni funds to further improve the Journal office.

In 1905, the Journal opened its competition to the Seniors in Yale University’s Academical Department who had begun law school (in accordance with a new policy permitting Seniors to complete University graduation requirements by taking law classes, thus cutting one year off of the time required to complete both university and law school). The following year, the competition was changed so that members of each law school class competed against only other students in the same year of school. At the request of subscribers, articles in the Recent Cases department were revamped so that “more space [is given] to the actual holding of the case reviewed and less to the comment of the reviewer,” suggesting that the quality of commentary was lower than optimal. To keep the flow of articles steady, the 1906 Board conceived the plan of soliciting articles for the next year by asking potential contributors to commit themselves in advance to writing for the Journal. In keeping with the fairly new tradition of the outgoing board actively training new members, the “incoming board will issue the last number of the year,

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236 And none too soon. Four years earlier, the editors were already losing track of their issues. One editorial in Volume 8 ended with an admission that the Journal needed copies of No. 1, Vol. IV; Nos. 3 and 4, Vol. V; and Nos. 1 and 4, Vol. VI and a request for help. “Any of our readers who have copies of the above will greatly favor us by so informing the JOURNAL.” 8 Yale L. J. 320, 322 (1898-99).

237 1904 Shingle at 112.


240 Id.
instead of waiting until the following fall before taking charge."

The Board considered whether to revise the method of selecting members by, for instance, eliminating the competition and, instead, selecting those with the highest marks. It was decided, however, that "those who successfully carry through a competition to the satisfaction of the editors and the faculty have proved that they have the ability and stamina requisite to performing the work of the Journal after election." The 1906 Board offered comfort to unsuccessful competitors, noting that membership had to be limited to be manageable, but extending "appreciation" for the efforts of all who competed, "sorrow" at their rejection," and the "hope and belief" that "the work of trying has amply compensated them for their trouble."

The 1907 Board noted with pride that, whereas the first volume of the Journal contained six issues averaging forty pages each, the Board's efforts to expand the publication resulted in the sixteenth volume containing eight issues, each averaging seventy-five pages. One early worry had been financial constraints, but these lifted when the faculty donated money for the publication's expanded format. The Board was aware, however, that it needed high quality material to fill the additional pages. and therefore set out to "canvass...the legal authors and literate [sic] of America and of Europe" and, from these efforts, managed to secure articles of satisfactory quality. Another expansion showed up in adding a permanent and regular department of "school and alumni notes" to help strengthen ties between alumni and the school.

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\(^{241}\)Id.

\(^{242}\)Id.

\(^{243}\)Id. at 141.


\(^{245}\)Id. at 162.
Once again the topic of the *Journal* competition arose. Dozens of men wished to compete and it became impossible to conduct contests in the old way, which involved having each competitor submit four “recent case” digests each month. The editorial board could not supply enough cases to be digested, nor did it have the manpower to evaluate as many case digests as were being received. Yet the idea of eliminating the competition entirely and inviting only “honor men” to join the *Journal* or limiting the competition for membership to honor men was objectionable, as it might result in membership being extended to men who had ability but lacked real interest. Thus, the Board decided to “require fewer cases [i.e., recent case digests] and a higher degree of excellence.”\textsuperscript{246} This still meant that a competitor, before being selected, had digested eight or nine cases.

By 1908, the Board was convinced that its numbers should be increased - perhaps doubled - yet it needed a new selection process that would not be as time-consuming to the editors. To this end, a committee was formed consisting of then-current editors, alumni editors, and faculty advisors.\textsuperscript{247}

The 1909 Board reorganized itself and reallocated certain duties. It created an office of Board Secretary, with the duty of procuring contributions, thus freeing up the chairman to do more supervising.\textsuperscript{248} Despite the previous Board’s concerns about the workload created by competitions, the new Board held several: a comment competition for third year and graduate students; a recent case competition and a comment competition for second year students; and a recent case competition for first year students. The Board sent all completed competition papers,

\textsuperscript{246}Id. at 163.


along with its recommendations, to the faculty committee for final decisions. While some apparently believed that the editors should cut down on their editing so that they could also so some comment writing, the Board overall felt that the competitions resulted in the Journal getting the best possible submissions and were worth the effort they required.

The writer of the 1910 essay waxed philosophical about the Journal, explaining that its purpose was not to amuse nor to make money but, rather, to help the lawyer keep up with new theories and developments in the law “as any other workman does in the tools of his trade.”

The year 1911 marked the Journal's twentieth birthday, an event duly noted in that year's Shingle essay. This retrospective mentioned that the first issue in 1891 was a “very creditable production” considering that “Yale Law School itself at that time had but a mediocre ranking, that it did not even have a building of its own.” After discussing the steady growth in the number of Journal pages, Mr. Inglis admits that improvement in quality is what really merits attention since “except for [faculty] contributions, the leading articles of the first few volumes were short, and for the most part, of no great legal value.” By 1911, the leading articles were easier to obtain, “ranked favorably” with those in other law magazines, and “at the present time, the Yale Law Journal is not only frequently cited and quoted, but also articles appearing in it are often digested or translated for publication in other magazines, both of this country and of Europe.” The Journal's founders had stated that their policy was “to unite graduates and students in the support of the school,” but by 1911, the Journal's more expansive ambition was

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249 Id. at 142.
252 Id. at 204.
253 Id.
to "represent the Yale Law School in the legal world" which required it to "produce reading matter which is of really serious value."\textsuperscript{254}

The last year of the *Shingle*’s life, 1912, was the *Journal*’s twenty-first year and *Journal* editors considered the publication to have reached adulthood. Thus, like all adults, the *Journal* was faced with the decision "whether [it] shall push on to greater achievements and broader fields or be content to plod along in the self-satisfactions whose only foundation...would be found to be the efforts of persons who have had charge of the shaping of [its] course in the critical years of adolescence."\textsuperscript{255} By 1912, the Journal’s circulation had increased significantly with the help of their “graduate” business manager, Frank Kenna, who had been working with the Journal since 1903.\textsuperscript{256} Negotiations were underway to have the *Journal* published by the Yale Publishing Association, a change that, it was hoped, would allow for growth in the *Journal*’s trust fund.\textsuperscript{257} The Board in 1912 consisted of twenty members. In 1891, it had consisted of but seven. The *Journal* had, indeed, grown up.

**Debating Societies and Political Clubs:**
**The Kent and Wayland Clubs, Yale Senate, and Yale Forum**

The founding of the Yale Kent Club in 1873 (the same year the law department moved to new quarters on the second floor of the County Courthouse)\textsuperscript{258} marked the beginning of a

\textsuperscript{254}Id.


\textsuperscript{256}Mr. Kenna graduated from Yale Law School in 1905. He started business management for the Law Journal in 1904, being listed 1904 *Shingle* as “Assistant Business Manager.” From 1905 to 1909, he is listed as “Business Manager.” Beginning in 1910, he is listed as “Frank Kenna, Graduate, Business Manager.”

\textsuperscript{257}Id. at 152.

flourishing period of debating at in the law school. The Club’s three purposes were to enable its members:

(a) To awaken their interest in the important questions of the day
(b) To acquire knowledge of Parliamentary Law.
(c) To gain practice in Debate.

Weekly meetings were held Monday nights in Room 13 of the courthouse, where members debated such weighty subjects as “Resolved, that the abolition of the House of Lords would be beneficial to Great Britain.” Besides providing debating opportunities for its members, the club also invited guest lecturers to campus, starting in 1875. “The list of speakers who have appeared in these courses contains the names of some of the most prominent lecturers and scholars in the country.” In 1890, interest in the club was stimulated by institution of

was “organized at a meeting called by the Dean, on October 1, 1890”) with Howard Jewell Fenton, Debating, The Yale Shingle 117 (1904) (clarifying that the club was founded in 1873 and re-organized in 1890: “The old constitution may still be seen, beautifully inscribed by some fine Spencerian hand, in Vol. A of the Kent Club Records, now in the custody of the Yale Law Journal.”

Although information about earlier history of Yale University debating is sketchy, The Linonian Society and the Brothers’ Society existed in the Yale College Academic Department in the 1860s. While supposedly debating clubs, they “were hardly designed to promote oratory; and they passed in goodly season to a timely decadence.” Horace Jewell Fenton, Debating, The Yale Shingle 117 (1904). In addition, “congresses” were established in the early years of the law school but, not well run, they eventually died out. Id.

M.A. Reynolds, The Kent Club, The Yale Shingle 77 (1894). The club adhered remarkably well to these goals, stating in 1912 “[t]he object of the club is to cultivate efficiency in debate, to familiarize its members with parliamentary practice, and to interest them in the political and social questions of the day.” Oswald Prentiss Backus, Jr., Kent Club, The Yale Shingle 131 1912).


Id. at 79.

1893 Shingle at 83. Unfortunately, the names were not listed in the 1893 Shingle
Dean Wayland Prizes, which provided awards of fifty, thirty, and twenty dollars for the three best speakers and "diplomas" for members who attended punctually and regularly.\textsuperscript{264}

Membership in 1894 cost $2.00\textsuperscript{265}, which approximately thirty men were willing to pay (with one or more opining that it was not worth the price.)\textsuperscript{266}

Club members varied in their sense of self importance. Writing in 1894, M.A. Reynolds modestly admitted "that the glory of Cicero and Demosthenes is not likely to be diminished by any efforts of ours. If, in any sense of the words, we may flatter ourselves with the title of 'oratorical meteors,' it must be in the suddenness of the collapse after a lofty flight."\textsuperscript{267}

Apparently some members took their mission to learn Parliamentary procedure to great lengths, however. "[I]f any future member of the Kent Club dares to violate the sacred rules of Parliamentary Law, Levy will rise--if need be, from the grave--to a point of order."\textsuperscript{268}

With weekly meetings, the range of topics was vast. During the 1894-85 school year, for instance, the club (which by now numbered forty-four men) laid to rest such topics as whether capital punishment should be abolished; whether bond issues should be adopted; whether national legislation should restrict accumulation of individual wealth; what advantages could be derived from "colonization of the negro"; whether a new political party was needed; who was


\textsuperscript{265} Down to $1.00 by 1900 (H.B. Agard, \textit{The Kent Club}, The Yale Shingle 59, 60 (1900)) but up considerably from the 10 cent membership fee established in 1873. Horace Jewell Fenton, \textit{Debating}, The Yale Shingle 177 (1904).

\textsuperscript{266} 1894 Shingle at 81.

\textsuperscript{267} Id. at 77.

\textsuperscript{268} Id. at 78. Apparently Levy was one of the few, however, to pay close attention to procedure. An anonymous Shingle author, in an addendum to Reynolds' report on the club's activities, said "[t]he greatest defects arise from the marked lack of interest in the proceedings and ignorance of parliamentary usage." Id. at 82.
responsible for the country’s economic woes; what qualifications immigrants should possess.269

Each club member had a chance to speak at each meeting.270 Some debated; others gave original orations or “spoke a piece from some inspiring author;” another might read a composition on “some exhilarating topic.” Occasionally mock trials and moot court were held rather than debates.271 But the club members did not confine themselves to engaging each other in debate. They also debated with students from other schools - apparently less than successfully in the early days. After losing to Harvard, one Yale student complained “Yale ought to win once in a while,” while another suggested that “Yale had better leave the [athletic] field and take the forum” (referring to Yale’s success in sports and lack thereof in debate).272 In 1896, the Kent Club representatives won both the Yale-Princeton and Yale-Harvard debates, but lost to a new intramural competitor, the Wayland Club.273 Fortunately, the “pangs of defeat were assuaged” by the fact that all Wayland Club members were also Kent Club members.

One feature of the Kent Club was its “Moot Congress,” evidently a sort of shadow legislature. In 1893 the Democrats swept through the United States Congress and shortly thereafter they also took hold of Kent Club’s Moot Congress. “[L]ike its namesake, the Moot Congress talked and talked, accomplished nothing, and adjourned with everyone thankful that the

269 1895 Shingle at 63-64.
270 Edmund H. McVey, The Kent Club, The Yale Shingle 63, 65 (1896). A provision was inserted into the club’s constitution that “no member should speak a second time until after all in the house who desired to had had his say. However, if a man did not get winded on the first lap, he could, if he had the courage, essay another by waiting long enough. It was an indulgent Kent Club, forsooth!” Horace Jewell Fenton, Debating, The Yale Shingle 117, 118 (1904).
272 1895 Shingle, at 66.
273 1896 Shingle, at 65.
end had come.”

The Kent Club speakers during 1894-95 included the Rev. L.H. Grace, Hon. Oscar S. Straus (ex-minister to Turkey), and - apparently as a lecture team - Hon. William J. Bryan and Hon. William Potts. As of the writing of the 1895 Shingle essay, it was hoped that Hon. William L. Wilson and Col. N.G. Osborn would address the club before the school year was out. Speakers in 1895-96 included Dr. J.M. Buckley of New York City on the eerily timely topic of “The assassination of Kings and Presidents.” Joseph Choate and Prof. James Schouler of Boston were expected to give lectures during the Spring term. In the Fall of 1896, Hon. I.H. Bromley of New York City lectured on the overthrow of the second Empire. In 1898-99, Charles H. Clark of the Hartford Courant lectured on “Impressions of Mexico”; Hon. Joseph Barbour on “Little Things of Big Russia”; Hon. Henry S. Robinson on “Jonathan Trumbull”; and Col. N.G. Osborn on “The Newspaper.” In addition, Professor Wurts gave some sort of informal talk.

By 1896, the law school had moved to its new quarters in Hendrie Hall, and the Kent Club’s activities were held in Room No. 26 (2d floor, first door to the right). The Club continued to debate issues great and small and to elicit a variety of reactions to its activities from uninvolved and uninformed classmates (“Cuneo approves of us; McAnulty (the grind?) thinks it

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274 1895 Shingle, at 66.
275 Id. at 66-67.
a farce; Dwight says debating ought to be discouraged.)

Each essay on the Club evaluated its efficacy - some humorously, others more soberly. In 1899, the Kent Club essayist noted that the year had been an especially good one because so many more men than in the past had actually wanted to participate in debates. Problems still remained, however, in the quality of the debates, as “[t]he members of the club fail to become acquainted with their subject. They rely too much on inspiration and on general information, and slight the preliminary labor and study that is necessary to the intelligent discussion of a question.” Club members believed that the wide range of debate topics helped mitigate the narrow classroom focus on legal technicalities and assist aspiring lawyer to stay abreast of important issues in the world around him. To the charge that the club’s activities were worthwhile only to a student planning a career as a litigator, Mr. Studinski explained that “the object of the club is to teach persuasiveness - a faculty necessary to a lawyer of whatever kind.”

By the turn of the century, the Club had diminished in stature and activities. The lecture series had ceased, club activities were no longer of particular interest to the public, and

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280Id. at 64.


282Id. at 64.

283Id. at 65.

284Id.

285H.B. Agard, The Kent Club, The Yale Shingle, 59, 60 (1900). The Kent Club lecture series never seems to have revived; however, in 1907, the Yale Forum was founded “having as its primary object, the intelligent discussion and investigation of current, political and economic topics. To accomplish this purpose, men of national reputation and prominence have from time to time been invited to make addresses before the club.” Paul Lathrop Miller, Yale Forum, The Yale Shingle 133 (1908). In addition, in 1889, money was donated by E.T. Robinson and M.A. Robinson, grandnieces of Judge William L. Storrs, for annual lectures to be delivered in his honor on “fundamental problems of law and jurisprudence.” Frederick C. Hicks, Yale Law
club members were not winning spots on teams for Yale University’s inter-collegiate debates with Harvard or Princeton, to the consternation of the Club’s 1901 Shingle essayist: “It is extremely unfortunate that Yale has been obliged to rely entirely on the Academic and Theological Departments to supply debaters for the intercollegiate teams....[i]t is certainly an unnatural and unendurable state of affairs that one important member of the federation of university debating clubs should have no representatives among those selected to do battle with our rivals.”286 Although the 1900 essayist had hoped the lecture series might be revived, the 1901 Club members had decided against revival “inasmuch as several prominent speakers, who had been invited to address the Club, found it impossible to do so, and there seemed to be no dearth of lectures on all topics under the sun already bulletined.”287 During the 1900-01 school year, the Kent Club adopted a new constitution which, it was hoped, would enable it to “become a genuine school of debate” in the future.288

In 1902 the lively Kent Club essay abounded in details about specific incidents during Club meetings as well as some details concerning Club politics. That year, Mr. Charles Davenport Lockwood of the Kent Club was chosen the law school representative on the Yale University debating team that beat Princeton. In addition, the Law School debating team won the inter-department debate, so that the “Law School assumes its proper place as Master of Debate in the University.”289 Although the guest lecture series had not been revived, the club had been

School: From the Founders to Dutton, 1845-1869, Yale Law School Publications No. 3, at 24 (1936). Thus, the school community, as well as greater New Haven, may have felt amply supplied with lectures on matters legal.


287Id. at 60. In this regard, the law school seems unchanged today. See posters on the Yale Law School walls September through May of any school year.

2881901 Shingle at 60-61.

“entertained” by Yale law faculty, including a “pleasant reading” by Professor Wetzel, a talk by Professor Baldwin to “encourage the members in the good work they were doing,” and a description by Professor Wurts of life as a practicing lawyer.”290 The following year, the law school sent six men to the final trials for the Yale-Harvard debate, men who “were commonly credited with having made the best showing of any department in the University.”291

The Wayland Club makes its first solo Shingle appearance in 1902. Its essayist is succinct, but lets the reader know the club was founded in March of 1898 to give students an alternative to the large Kent Club, the size of which might inhibit the shy members from full participation in weekly orations.292 Apparently its formation was not without a certain amount of controversy. Henry Warner Merwin describes the club’s genesis as being grounded in frustration with the Kent Club’s conservatism and the inability of its younger members to effect any change. Thus, a “conspiracy” was formed to begin a rival club. However, “fears” of true insurrection were “scattered to the winds. A document signed, sealed and delivered by the Wayland Club to the Kent Club assured the latter organization that there was no hard feeling, that the Wayland was to supplement, not to supersede, and that no one could be a member of the Wayland without first joining the Kent Club.”293

The Wayland Club’s Vice-President, Mr. Sears, and its Delegate to the Yale Debating Association, Mr. Reider, won the first and second prizes in a special examination in

290Id. at 137.
292Henry Bruce Teller, Wayland Club, The Yale Shingle 139-40 (1902). There is inconsistency about the date of the club’s founding since, as noted below, a graduate in 1897 describes Wayland’s founding as having occurred during 1896.
293Henry Warner Merwin, Junior Year, The Yale Shingle 56 (1897). Merwin says “later the Baldwin and Wurts Clubs were formed.” However, these clubs must been short lived, as they are not mentioned again.
Parliamentary Law (showing that the subject was, finally, of interest to some). The essayist (President Joseph J. Goldsmith) recommended that an improvement in the law school’s debating life could be promoted by semi-annual debates between three members each of the Kent and Wayland Clubs.294

In 1904, the two clubs no longer had separate essays in the Shingle, for the entire topic of debate was covered by one essay summarizing both organizations’ activities. The essay characterized the Kent Club as “distinguished by its age” though having been “a more powerful institution than at present” fifteen or twenty years previously.295 It treated The Wayland Club kindly (if a bit condescendingly) as an organization that “lacks the dignity of age possessed by its older sister organization,” but having “attained the satisfaction of good works...it should be encouraged.”296

The following year, both clubs got to speak for themselves once more in the Shingle. Albert Jente, writing for the Kent Club, did not so much summarize the year’s activities as lecture on the benefits of regular public speaking practice for the future lawyer and the correlative benefits of Kent Club participation as a practice forum.297 Jente’s classmate, Warren Cressy, writing for the Wayland Club, echoed Jente’s sentiments. (“The importance of ready and graceful expression cannot be overestimated.”)298 The Wayland Club attempted to encourage more participation by having no membership dues and making every member of the law school “ipso facto a member.”299 Mr. Cressy, aware of the club’s subsidiary position to the older Kent

296Id. at 120.
299Id.
Club, mentioned that some fundamental change probably had to be made “before the Club can hope to occupy a strong and independent position in the school.” Ideas included instituting a membership fee “to bring a more responsible following and increase its prestige”; reorganizing it into a junior year society; or making alternate meetings into parliamentary practice sessions that could truly help ground members in “all the artifices known to parliamentary law.”

By 1907, the Kent Club’s activities were once again of interest to the general public. A debate on the question “Resolved: That it is for the best interest of the State of New York that William R. Hearst be elected governor” filled the assembly room to overflowing with Hearst and anti-Hearst factions. Representatives of New Haven and New York newspapers (Sun, World, and Journal) were sent to hear about “the advisability of [Hearst’s] election purely from a legal, rather than a political standpoint.” Parliamentary procedure was by this time being taught at the law school by Judge John Hoyt Perry; hence, Kent Club meetings gave members of that course ample opportunity to apply their knowledge.

A metaphorical hat was cordially tipped to the Wayland Club by the graduating class of 1907, as a “praiseworthy society” that was progressing rapidly. Evidence of this could be found in the fact that the same number of contestants competed for the Wayland Club’s Munson Prize as competed in the Kent Club’s contest for the Wayland Prize.

In 1908, Professor John W. Wetzel, the school’s Instructor of Public Speaking and a man whose assistance had been gratefully acknowledged in earlier Shingle essays on debating, added his blandishments to those of debating club essayists who encouraged as many students as

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300Id. at 108.


possible to join the clubs and practice public speaking.\textsuperscript{303} Prof. Wetzel invoked the memory of Aristotle, Demosthenes, Mark Antony, Cicero, Mirabeau, William Pitt, Fisher Ames and Patrick Henry in his effort to inspire students toward greater eloquence,\textsuperscript{304} claiming that being known as a Yale debater or a Yale orator would do more for a graduate’s career than any other skill. While believing that anyone admitted to Yale Law School should be expected already to have received a good deal of training in how to speak and think logically and correctly, Wetzel lamented “[t]his is, however, too frequently not the case.”\textsuperscript{305} And while he did not believe that law school was the place “to acquire the fundamentals of writing and argumentation,” it was the place to “offer the best opportunities for practice in debating and public speaking, for these are requisites to the highest success in the profession of law.”\textsuperscript{306} While he reflected with satisfaction on Yale having won two of the previous four Yale-Princeton debates and one of the past four Yale-Harvard debates,\textsuperscript{307} he was not wholly pleased with the quality of law students’ debating skills. He believed there should be more junior debating societies so that being a senior debater would signify one had attained such a high standard of excellence that senior debater status would be “recognized by the university and the student body as one of the highest honors in university life.”\textsuperscript{308}

In the 1908-09 school year, the Kent Club began awarding as prizes silver cups - one to the best freshman speaker and one to the best speaker on either side of a Kent Club/Wayland

\textsuperscript{303} John W. Wetzel, Debating, The Yale Shingle 119-21 (1908).

\textsuperscript{304} Id. at 119-20.

\textsuperscript{305} Id. at 121.

\textsuperscript{306} Id.

\textsuperscript{307} Id.

\textsuperscript{308} Id.
Club debate (held January 25, 1909). The law school lost its debate with Yale College and the Yale debate team lost its debates with Princeton and Harvard. It was not the best of years.

No doubt in the hopes of increasing the quality of members' abilities, some suggestions were made to limit membership and to expel anyone who missed more than three consecutive meetings, as well as to prohibit membership in the Kent Club to anyone belonging to another debating club. The Wayland Club's essay seemed more upbeat than Kent's, focusing on the Law School having won two out of the last three years' Inter-department Debates. Some validation for both clubs' missions was obtained from Honorable William S. Andrews, Justice of the Supreme Court of New York, in his after dinner speech to the Yale-Princeton debate team. He stated that judges want to hear the same types of arguments in court that are needed for good debating.

In 1910, the Law School lost its debate against the Academic Department. The Kent Club Shingle essayist suggested that the Fates may have been offended because the Law School team consisted entirely of Kent Club men rather than including members of the Wayland Club men as well.

Debating quality and interest improved in 1911. Approximately one-third of all students took part in one of the debating societies (which by now also included the Yale Senate, founded

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310 O'Connor, 1909 Shingle, at 129.


312 Id.

in 1907 and open to graduate students or students already admitted to the bar.)\(^{314}\) For the first time in several years, the Law School won the Inter-department debating cup,\(^{315}\) even though all of its debate team members were new,\(^{316}\) taking the negative side of the topic “Resolved, That all Elective State Officers should be Nominated by Direct Primaries.” Moreover, half of the debaters representing Yale against other schools were law students.\(^{317}\) The future, too, appeared bright, because the University Debating Association, previously of little value, had consolidated various debating clubs of two undergraduate departments, and had begun holding weekly meetings and an occasional “smoker” at the University Club. These activities sparked a great deal of interest, even among some young lawyers.

In 1912, the school’s enrollment figures dropped,\(^{318}\) causing a concomitant drop in enrollments in organizations and some competition among the organizations for new members. The Wayland Club, whose membership had in 1911 been made exclusive of the Kent Club,\(^{319}\) attempted to lure new members with doughnuts and apples and, says the Kent Club’s president, “that explains why they have gloated in their numbers, we, in our quality.”\(^{320}\) Supporting this


\(^{315}\)The Inter-department competition, held yearly, involved teams from Yale College, Sheffield Scientific School, the Divinity School, and the Law School. Clement Richardson Wood, *University Debating*, The Yale Shingle 179, 181 (1911).

\(^{316}\)Messrs. Cullom, Oare, and Wood (with Mr. Pettengill as alternate) defeated the “Sheff” team in the semi-finals and the Academic team in the finals “thereby winning the championship cups, and bringing home to the Law School the victory which should be rightfully hers.” Id. at 181.

\(^{317}\)Id. at 179.

\(^{318}\)Enrollment was but two-thirds of that in immediately preceding years. Henry C. Clark, *The Wayland Club*, The Yale Shingle 137 (1912).

\(^{319}\)Id.

\(^{320}\)Oswald Prentiss Backus, Jr., *Kent Club*, The Yale Shingle 131 (1912). Backus was the club’s First Term president.
claim of high quality membership was the fact that one Kent Club member was on the Yale University debating team that defeated Harvard.\textsuperscript{321} As an incentive to future members, Mr. Backus (the Kent Club’s president) suggested the club should offer a prize for the man making the best speeches from the floor throughout the year at weekly meetings.\textsuperscript{322}

The year 1912 was the first and last year that readers could actually view the Wayland Club members en masse, as they purchased a group picture for insertion into the \textit{Shingle}. The Wayland Club was represented in Inter-Department Debates and in the “Triangular Debates” among Yale, Harvard and Princeton, but they were unable to arrange in 1912 for the annual Inter-Club Debate with the Kent Club.\textsuperscript{323} Wayland having won all three successive Inter-Club Debates, perhaps the Kent Club was less than eager to engage them again.

Some mention must be made of the Yale Senate, formed in 1907. Membership was limited to students admitted in any jurisdiction to the practice of law, graduate students, and “all who have a law degree.”\textsuperscript{324} The society was modeled after the United States Senate and debating practice was obtained from arguing about prospective hypothetical legislation.\textsuperscript{325} The members were described as “loyal in their participation and in the discussion” with every member typically speaking for or against every bill introduced before a vote was taken.\textsuperscript{326} The group also held “parliamentary drills” to help members gain proficiency in procedure. For fun, the group held social events like smokers and a banquet. In 1911, members of the Yale Senate traveled to Washington, D.C. where they visited the Supreme Court, the House of Representatives, and their

\begin{itemize}
  \item \textsuperscript{321}Id. at 132.
  \item \textsuperscript{322}Id.
  \item \textsuperscript{323}Henry C. Clark, \textit{The Wayland Club}, The Yale Shingle 137 (1912).
  \item \textsuperscript{324}Isadore Shapiro, \textit{The Yale Senate}, The Yale Shingle 135-36 (1909).
  \item \textsuperscript{325}Francis J. Breen, \textit{Yale Senate}, The Yale Shingle 143 (1912).
  \item \textsuperscript{326}Id.
\end{itemize}
Congressional namesake. On that trip, they were also granted a meeting with President William Howard Taft.327 The 1912 Senate planned a similar trip.328

Also founded in 1907 was the Yale Forum, the purpose of which was to promote political discussion. It was a member of the Intercollegiate Civic League, a group of forty clubs dedicated to the same end.329 One of its main functions was to invite guest lecturers to campus for the edification of the university community and the general public. During 1907-08, the club sponsored speeches by the following men:

Chancellor E. Benjamin Andrews of Nebraska University - “Wealthy Men and the Public Welfare”

Mr. Eugene E. Prussing, of Chicago - “Civic Reforms” -

Senator Albert J. Beveridge of Indiana - “The Meaning of the Times”

Congressman Charles N. Fowler of New Jersey - “Currency Reform (co-sponsored by the New Haven Chamber of Commerce).330

After each speech, the Forum held a reception at the University Club or Quinnipiac Club so that guests could meet the speakers informally. A slightly older organization - The Political Club, founded in 1904331 - was absorbed into the Forum in 1908 with the consent of both clubs and the faculty.332 The Forum disappeared from the Shingle for the next three years, reappearing in 1911. By then, the list of illustrious speakers had grown to include Senator Depew of New York; Governor Guild of Massachusetts; Mayor Carter H. Harrison of Chicago; Secretary of the

327Yale Senate, The Yale Shingle 198 (1911).
328Breen, 1912 Shingle, at 143.
331Wood, 1911 Shingle at 195.
332Miller, 1908 Shingle at 134.
Treasury, Leslie M. Shaw; General Manager of the Associated Press, Melville E. Stone; Ex-Major Quincy of Boston; Ex-Attorney General of Hawaii, William R. Castle; Postmaster-General Charles Emory Smith; Hon. William T. Stead of London; Hon. Lawson Purdy, President of the New York City tax commission; and William Jennings Bryan.

Although the names of Forum officers appeared in the 1912 Shingle, no essay chronicled the group’s activities. Thus, the last words spoken on behalf of the Forum were those that closed the 1911 essay: “On account of the varied theoretical and practical experience with vital questions that it offers, the Forum deserves the cordial support of the Law School.”

Religion

Yale, like all the early Colonial colleges, was founded as a religious school. In 1701 Reverend James Pierpont and other Congregational ministers convinced Connecticut’s general court to “vote an ‘Act for Liberty to erect a Collegiate school,’ wherein youth might be instructed in the arts and sciences ‘and fitted for Publick employment both in Church & Civil State.’” By the end of the Nineteenth Century, religion had not entirely disappeared from the consciousness of Yale’s students, as evidenced by thirteen of the twenty volumes of the Shingle devoting space to the topic. Early volumes tended to treat religion (like every other topic covered) with levity. In an essay entitled “Religious: Or How We All Expect to Get to Heaven and How We Spend Our Sundays While Waiting Here Below,” we learn the religious preferences of the graduating class (fifteen Congregationalists, ten Episcopalians, and so forth); the most attended church (United

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333Wood, 1911 Shingle at 195. At some point thereafter, the organization disbanded. In 1946, a new organization bearing the same name, instituted an inaugural program which 600 people attended with the apparition of “a combination of Juliet and Banquo’s ghost” played by Professor Fred Rodell. Yale Law School Forum, The Yale Reporter 1946 Supplement, at 85.

Church in New Haven); why it is the most attended church ("admire the pastor; best preaching; friendly people"). That a few students admitted to agnosticism was duly and uncritically noted by the 1893 essayist on religion.335 One 1894 graduate indicated he "adheres to the Jewish religion 'because it teaches Humanity and Truth; it is my religion by birth, and, since I could reason, by choice."336

A bit of analysis as well as sermonizing crept into the 1895 essay, written by a graduate who was a 44-year-old Congressional minister. He stated, no doubt upon some first-hand experience, "Fervent religious feeling is nowhere more effectively checked than in a professional school, not the Law School only, or chiefly, but the Divinity School as well. Religious convictions are here modified, more definitely formulated, and become subject for analysis much as do our political, education and social beliefs."337 This essay emphasizes the need for law students to strive to maintain their faith, calls upon George Washington as authority for a politician’s need to respect and cherish religion and morality, and ends with the admonition that the best attorney is one who "accepts as his friend and counsellor 'the One above all others, whose love is beyond a brother’s, costly, pure and knows no end.'"338 By 1896, the Roman Catholics outnumbered the members of any given Protestant denomination (fifteen Catholics; ten Episcopalians, seven Congregationalists...two of the Jewish belief...)339 but this was quickly remedied the following year, when there were twelve Congregationalists, ten Roman Catholics and nine Episcopalians.

335Religious, The Yale Shingle 89 (1893).
337Samuel J. Bryant, Religious, The Yale Shingle 75 (1895).
338Id. at 76.
339Id.
While Andrew Tew Bierkan, the 1897 essayist, does not appear to have had any formal background in the ministry, his essay delivered quite a lecture on the need for his classmates to “build their hopes and ambitions” on the proper foundation (God). In particular, he alluded to notorious lawyers of the day, David Terry, a Californian involved in a rather complex scandal involving spurious marriage and an immense amount of property\(^{340}\), and Charles J. Giteau, a Chicago lawyer and President Garfield’s assassin\(^{341}\), calling them forth as examples of lawyers who “did not know wisdom and were void of understanding”\(^{342}\) and implying that, absent a faith in God, his classmates might suffer their fate and be similarly unworthy of emulation.

The last religion essay of the nineteenth century began with an auspicious display of ecumenicalism - quotes from Jesus and Moses - and continued with an explanation of the Hebrew motto on the Yale shield: “\textit{Urim and Thummim}.” According to the essayist, this Hebrew is the equivalent of the Latin words on the Yale shield, \textit{Lux et Veritas}, meaning Light and Truth or Light and Perfection, toward which the Yale-educated lawyer should always strive.\(^{343}\) Thompson’s essay focuses on the need for lawyers to “love and serve.”

When religion reappeared in the \textit{Shingle} pages it was in the discussions from 1904 through 1909 and in 1911-12 of the Young Men’s Christian Association, organized March 23, 1901.\(^{344}\) Originally the law school’s YMCA members met for Bible study with members of Yale University’s graduate department but quickly decided that the law students’ group was large

\(^{340}\)For the juicy (and seemingly interminable) details about this scandal, see Sharon v. Sharon, 22 P. 26 (1889) and Sharon v. Terry, 36 F. 337 (1888).


enough to meet on its own. The group was not strictly dedicated to religious studies, however. It also performed mission work at a locale known as "Yale Hall," where it got men participating in debates.\textsuperscript{345} The following year, the club reached out farther into the community, assisting at the Oak Street Boys' Club, Goffe Street Y.M.C.A., Bethany Mission school, and the Bancroft Foote Boys' Club\textsuperscript{346} although "[t]he most important branch of work is a weekly gathering for Bible research"\textsuperscript{347} where "discussions are from an academic rather than a religious standpoint, and non-sectarianism is strictly observed."\textsuperscript{348} Gone by 1905 are lists indicating the religious affiliations of the graduates. Helping with debating "and other elevating diversions" at Yale Hall continued to be a priority, and apparently quite rewarding, as "[t]he ability displayed by some of these poorly educated men, after a little thought and study, is nothing short of marvelous. A visit to the Hall cannot be made without some gain, and "no man ought to leave Yale without that experience."\textsuperscript{349} Apparently the message was not transmitted to the next class, however, because the 1906 essayist wrote that "[i]n times past, the Association has taken part in the mission work at Yale Hall, Goffe Street Association, and other places in the city, but this year nothing along this line has been attempted....",\textsuperscript{350} though the benefits of such activity were extolled, such as being "kept in sympathy with the needs and conditions of the laboring classes, by thus coming in close contact with them."\textsuperscript{351} By 1906 few law students were much interested in religion, perhaps because they

\textsuperscript{345}Id. at 128.

\textsuperscript{346}J. Robert A. Waller, \textit{Yale Law School Christian Association}, The Yale Shingle 113 (1905).

\textsuperscript{347}Id.

\textsuperscript{348}Id. at 115.

\textsuperscript{349}Id.

\textsuperscript{350}Thomas F. Porter, Jr., \textit{Law School Christian Association}, The Yale Shingle 25, 26 (1906).

\textsuperscript{351}Id. at 27.
were too busy for anything but study or perhaps, if there was time for anything else, other activities beckoned more loudly than church or Bible studies. Mr. Porter suggested that the faculty might be able to inspire more religiosity in the students if they would “direct their efforts along religious lines.”

By 1907, the law school YMCA had affiliated with the University Association Counsels, an inter-departmental organization of religious organizations. Professor Benjamin Bacon of the Divinity School led the YMCA in its Bible study classes for the year, focusing on the historical life of Christ. Guest speaker Henry C. White of the New Haven bar addressed the group on Christian principles in practice. That year, philanthropic work at Yale Hall was referred to as “extensive” and several law men had devoted themselves to it. In addition, one of the 1907 graduates had taken over the supervision of the Boys’ Club. The 1908 YMCA essay was briefer than its predecessors, but did mention that the group’s annual Fall reception for the entire law school department was a success. Anson Phelps Stokes, Jr. and Professor John Wurts gave inspiring talks and the University Quartette provided entertainment. The religion class consisted of a series of lectures by Jeremiah W. Jenks, Ph.D., LL.D., Professor of Political Economy and Politics at Cornell University on the “Political and Social Significance of the Life and Teachings of Jesus Christ” from his book by the same name.

Turning from a strict recitation of events to a more philosophical approach, the 1909 essayist discussed the relationship between religion and law, the former being important to

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352 Id.
354 Id. at 28.
lawyers who (as "haves" in the Progressive Era during which the essay was written) are privileged to have "an active part in [the] process of making and remaking citizens."\textsuperscript{357} No mention is made of the group's members actually moving among the poor of New Haven's missions but the Bible is held up as the place to find "the multifarious types of mankind from the beggar and day laborer to the king and Man of Good, the Ideal Man."\textsuperscript{358} Students continued to study the social significance of Jesus' teachings, and enjoyed "very instructive talks" by Professor William B. Bailey, Judges Mathewson and Cleaveland on "problems and methods peculiar to the legal profession," as well as Professors Farnum and Fisher on ways to "make our religion effective in the practice of our profession and so bring about the Kingdom of God."\textsuperscript{359}

No discussion of religion or YMCA events appears in the 1910 Shingle. In 1911, however, reporting on the year's activities, the religion essayist mentions that the yearly reception was treated to "inspiring addresses" by Anson Phelps Stokes, Jr., Professor Arthur L. Corbin, and Rev. Benjamin W. Bacon, while entertainment was provided by Mr. John Wetzel.\textsuperscript{360} Louis J. Bernhardt, manager of the Yale Hope Mission, addressed the group during the year on "prison Conditions," "which was exceedingly instructive and inspired many who heard him to desire to assist in bettering the condition which exists in our penal institutions at the present time."\textsuperscript{361} Without specifics, the essayist also mentioned that "[s]ome of the men have also been engaged in individual Christian activities."\textsuperscript{362}

Speakers at the Fall 1911 YMCA reception (discussed in the 1912 Shingle) included Yale President Arthur Hadley, Dean Harry Rogers, and

\textsuperscript{357}Id. at 115.
\textsuperscript{358}Id. at 116.
\textsuperscript{359}Id.
\textsuperscript{360}Justus John Fennel, \textit{Law School Y.M.C.A.}, The Yale Shingle 175 (1911).
\textsuperscript{361}Id.
\textsuperscript{362}Id.
Professor William Vance. That year, Professor Vance conducted an “usually interesting course in the life of St. Paul at noon on Sundays in Dwight Hall.”363 The Law School YMCA participated with other Christian University groups in Yale in China and the Yale Hope Mission work. Echoing comments made by earlier essayists, Mr. Irons reminded the readers that law and religion were closely connected (indeed, Lord Chief Justice Hale had said that Christianity was part of the common law) and ended the last Shingle essay on religion with the reminder that “he who would have a thorough knowledge of the law, must remember to study the laws that are divine.”364

The Fine Arts

Among the most quaintly charming and amusing aspects of the earlier Shingle volumes was the inclusion of poems or odes, which typically were frightfully long and written in dreadful doggerel. The poem that introduces the first Shingle is aptly entitled “Baptismal,”365 and begins

Hand down O Muse from realms above
A chaplet for my brow,
Of laurel branch or leaves of bay
To aid me while I plow
A furrow in a barren soul,
For that which is not there;
While Pegasus I vainly strive
To mount and soar in air.
Deluded by a wheedling voice,
I said I’d write the rhyme
That should stand sponsor to this book,—
I’ve sorrowed since that time.
But promises must be fulfilled,

364Id.
365As was the poem in 1894. See Rome F. Donovan, Baptismal, The Yale Shingle 13 (1894).
So that I’ll make a verse
And give it to the SHINGLE
For better or for worse.366

By 1895, the Shingle apparently having been well and truly baptized, the poem was called a
“Dedicatory Ode” and continued pretty much in the vein of its predecessors:

This Book recalls that past
And puts us all on record; from the vast
Deep of the years, which none can fully measure,
It gathers this sweet treasure,
Holds it within our reach...
While in the world without the tempest rages,
Reading we shall remember!
A tender warmth will breathe from time-stained
pages,
And in the ashes of cold memory
Kindle each dying ember.367

My personal favorite is the 1896 ode, which rivals Joyce Kilmer’s “Trees” for most
cascharine poem dedicated to an inanimate object:

Dear record of our true, unglossed selves!
That speak’st alike of him that tireless delves,
Dust covered, in the mine of legal truth,
And of that lighter spirit that raptured lies
In pleasure’s lap, nor dreams of cloudier skies,
Thou that through life must dwell next every heart,
Receive our joint greeting, ere we part!
...
Thy gentle office, priceless book, shall be.
When soft, faint-breathed echoes lull and wane,
To sweep the stilling chords of memory,
And voice the sainted melodies again.368

366 W.T. Hincks, Baptismal, The Yale Shingle 11 (1893). This continues for six more
stanzas, some even longer than this one!

367 Joseph Anderson, Jr., Dedicatory Ode, The Yale Shingle 5 (1895)

The poem in 1897, "Avant Courier," was but a pale imitation of earlier works, running for sixteen, short, lines.\textsuperscript{369} Thereafter, the muse apparently abandoned Yale. The 1903 \textit{Shingle} contained a poem reprinted from a popular legal periodical - \textit{The Green Bag} - rather than written by a graduate.\textsuperscript{370} While "Seven Ages of the Lawyer" gives some insight into how people were viewing members of the legal profession,\textsuperscript{371} it provides no information about the recent graduates about to join those already being parodied. Similarly, in 1905 the \textit{Shingle} editors reprinted a poem from another source - a rather ribald ditty entitled "The Judge and the Jolly Tar."\textsuperscript{372} In the \textit{Shingle}'s penultimate year, one of Yale's graduates once more penned an original class ode: "To 1911-Hail and Farewell" - three full pages along the lines of the following excerpt:

Well Classmates, now our goal is won,  
The legal journey's well begun!  
With steady march, we've come thus far--  
We're now all ready for the Bar.  
With purpose grim and hearts of oak  
We've ploughed through Littleton and Coke;

Warming to his task, the poet continues:

O GOVERNMENT OF LAWS! Thou art the fruit  
Of ancient strife and immemorial wars.  
Through the long-travelling years of tyranny

\textsuperscript{369} Anon, \textit{Avant Courier}, The Yale Shingle 13 (1897).

\textsuperscript{370} Edward A.J. Valentine, \textit{Seven Ages of the Lawyer}, The Yale Shingle 48 (1903).

\textsuperscript{371} Then next Charles Counsellor, adorned with scars  
Won lawfully in midst of wordy wars;  
The wily soldier of the legal field;  
Followed by witnesses that swear strange oaths;  
Jealous of others, ready and quick in quarrel,  
Seeking to win a judgment even against  
The canon's mouth'; calling his rival, "brother,"  
But oftener cozening him. Id. at 50.

\textsuperscript{372} Henry H. Cornish, \textit{The Judge and the Jolly Tar}, The Yale Shingle 94 (1905)(reprinted from "Tom Watson's Magazine.")
Well, what can be said, after all, about the Yale law school poetry? Perhaps it supports the law men in their choice of professions - they were unlikely to become poets laureate. As to other fine arts, a few members of the Yale law school community seem to have had musical inclinations through the Shingle years, but only three Shingle volumes - 1902, 1904 and 1905 - specifically dedicate space to music news. Earlier volumes touch upon students' musical interests in their "Social" essays. Thus, one learns that eight men in the class of 1894 played piano, several played hand-organs and hurdy gurdies, two men played the Jews' harp, and others admitted to some proficiency with the banjo, zither, harmonica, bazoo, etc. In 1902 "a remarkably large percentage" of the Yale University Glee Club (four member) were selected from the law department - Mr. A.M. Hammett of the graduate class and Messrs. H.H. Read, I.G. Osborn, and W.S. Garde of the Junior Class ("[t]he latter's work was especially commendable,--his solos being received with much enthusiasm and favor on the Christmas trip.") Other class members participated in the Apollo Club, the Mandolin Club (C.A. Weymouth was flutist); and two law students were members of the College Choir. The 1905 Shingle published an imposing photograph of the "Varsity Glee, Banjo and Mandolin Clubs," as well as the music and lyrics to "Bright College Years" ("Bright college years with pleasure rife, The shortest, gladdest years of

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373 Samuel Barrett Pettengill, Jr., To 1911--Hail and Farewell, The Yale Shingle 71 (1911).

374 Some students did, however, have a flair for punsterism in their prose. For instance, in discussing students' enthusiasm for the Spanish-American War, F.E. Northrup wrote: Tents were erected on the Old Green, to which volunteers were called. Even the staid old elms began to leave, and the young and tender grasses commended to shoot. F.E. Northrup, Middle Year, The Yale Shingle 37, 39 (1899).


376 Id.
life;...Where'er upon life's sea we sail: 'For God, for Country, and for Yale.'")

An essay on the musical activities of law students appeared in the 1904 Shingle. Its author gives a hint as to why so little space is devoted to music in most of the other Shingles: ("The writer appreciates the incongruity which attends the association of music with law") but hastens to catalog the wealth of musical talent among his classmates, reminding them, for instance, that "some of the class were given to heralding the advent of the instructor [at the beginning of our second year] by a taking rendition of 'Under the Bamboo Tree.'" The essay continues with a list of singers and instrumentalists who participated in a variety of university musical ensembles. Thus, while nothing in any of the Shingles suggest that law students had an aptitude for poetry, enough musical talent can be documented that, in the words of essayist Lloyd Stuart Ackerman (YLS 1904) "it will be seen that 1904 L.S. has other qualities besides aptitude for the law."  

Conclusion

In 1991, journalist Chris Goodrich published memoirs of his year spent studying law at Yale, under the title Anarchy and Elegance. By the late twentieth century, Yale Law School typically ranked as the best law school in the United States.  Its elegance flows from its long traditions and its anarchy is supported by its superiority - when you are Number One you can do as you please.

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377 See 1905 Shingle at 117-18.  
378 But perhaps not as incongruous as all that. See Yale Law School Bulletin 1996-97, at 55, listing as a Spring 1997 course “Music and the Law.”  
379 Lloyd Stuart Ackerman, Music, The Yale Shingle 129, 130 (1904).  
380 Ted Gest, Top Schools: No. 1: Yale University, U.S. News & World Rpt. 76 (Mar. 10, 1997) (indicating Yale Law School was ranked number one by all academics and judges surveyed)
Yale at the end of the nineteenth century, however, possessed the elegance but not the anarchy. Indeed, elegance shines through the pages of the *Yale Shingle*. The world is homogeneously orderly. The students (like the faculty) are male; they are white; they are distinguished; they are well tended; they expect success at the highest levels of society. They are being trained for privilege. The most eloquent indicator of Yale’s elegance can be seen in photographs of the men - their dark suits; stiff collars; white shirts and ties; their perfectly positioned hands, arms, legs; their solemn expressions. In a few photos of winning debate teams, the men are attired in white tie and tails.

Fortunately, the essays, the poems, and the polls and contests provide some counterweight to this unrelieved elegance. Underneath it we can glimpse the college kids of yesteryear who, while trying hard to live up to the expectations of their distinguished mentors, still enjoyed their nights at the beer halls, card clubs and theatres, and their vacations during which they could get to know (and occasionally become engaged to one of) the New Haven Girls.
Appendix 1
Non-students' views
Expressed in the *Shingle*
Addresses/Advice to the Graduating Classes

1893

*Hotchpotch, by Professor William Townsend - page 15*
Primarily a lighthearted retrospective on law school. A bit of good advice: don’t kill yourselves by overwork; devote yourself entirely to your cases. Work hard, getting to the bottom of law and facts. Anecdotes about Townsend’s time in practice. Advice about buying books (which to buy, which to skip.) How to dress and how to comport yourself (no card playing, smoking or drinking before 6 p.m.)

*Valedictory, by Dean Francis Wayland - page 116* (See App. 6, pp 1-3)
Advice to graduates - engage in self examination (why did you go to law school)? Again, be industrious, but don't overwork. Don’t seek for notoriety. Be ethical. Avoid criminal cases except once in awhile. (“Consider the kind of society to which it will inevitably introduce you and ask yourselves whether you can reasonably hope to escape the natural contamination of such an environment.”)
Don’t be in a hurry to be famous. Study vocabulary and forensics; study English classics of prose and poetry. If you haven’t worked hard in law school, start now.

1894

*Address to graduating class, by Professor Edward G. Buckland - page 17*
Buckland reminded class he began teaching when they began as students. Primarily a retrospective on their time together. Since he felt he was too young to give advice as a “sage old lawyer” he gave some advice to them as future clerks. Make yourself indispensable to your law firm. Do a little better than average. The profession may be “overcrowded with attorneys-at-law” but NOT with “lawyers” Men of active minds and original ideas still wanted. Always be a gentleman (which doesn’t mean you must be quiet and submissive).
Be courteous even to your opposing counsel. Be honest; know the law; be a credit to your profession.
Valedictory, by Professor Samuel E. Baldwin - page 114
Acknowledged the graduate students, as well as the "third year" men and the "regular" law students who have taken two years. Says three years of study are required to be a good lawyer (even if that means one year in an office after two at a school). Notes that some of the graduates are distinguished while others are average, but seems to be fond of them all.

1895
Valedictory, by Professor E.J. Phelps - page 103
Since Phelps had been ill, he had only spent 5 months teaching the 1895 class and he indicated he regretted that. He reminded the graduates that they might spend their professional time not litigating but promoting peace, enabling men to avoid litigation. Encourages men to avoid unjust civil litigation and to avoid representing serious criminals who might then be released into society. Suggests they avoid "notoriety that is not reputation." Reminds graduates they need to be "men" first and "lawyers" second. He criticizes corruption in politics, suggesting that some of the Yale graduates may want to elevate politics by going into them. Says that Yale imports to all who wear its name "noblesse oblige."

1896
Charge, by Professor William Townsend - page 103
Avoid over-confidence in the courtroom. State your case clearly in opening statement. Be ingenious. He gives several examples of creative winning arguments. Cautions against overly aggressive cross examinations that could antagonize the jury.

1897
Upon the Passing of 1897, by Professor John Wurts - page 131
He began teaching when the class of 1897 began law school. He expresses sadness at their departure, saying they "are possessed of qualities which will attract clients and disarm adversaries."
Tells them lawyers are the most influential class of men in a community, and therefore bear great responsibilities. Lawyers have opportunities to do evil rather than good. Being brilliant will not ensure success, but integrity, industry and perseverance are more important. Lawyers should not shun lawyer malpractice cases if they are just claims, even though it is unpleasant to sue another lawyer.
1898

Valedictory, by Professor E. J. Phelps - page 117
Praises class for being an outstanding group of students. Reflects back on his own student days at Yale when “the curriculum was small, the instructors few though masterly, the period of study shorter, the books far less numerous than the vast piles which now oppress the shelves of the library...” (P. 119). Bids class farewell.

1899

To the Graduating Class of 1899, by Professor William Frederick Foster - page 101
Foster was away from the school for a year and appreciated being warmly received back by the members of this class. He had begun teaching law when these men started law school. Mentions that this is the first class that studied for three full years for their law degree (although some completed all three years’ worth of courses in two years). He applauds them for having had the extra ability to do so. Reminds students that they should be ethical not only on account of their own reputations, but on account of the reputation of Yale, which they must guard.

A Valedictory, by Outgoing Yale University President, Timothy Dwight - page 105
Reiniscses about the growth of the Law Department over the past thirteen years. Applauds the Yale method of law instruction and the erection of the new law building. Mentions appreciatively donor Mr. John W. Hendrie. Congratulates those who have been “in charge of” the law department.

1900

Upon the Passing of the Class of 1900, by Professor George D. Watrous - page 89
Wishes the class well at finishing its final examinations and at passing the bar examination. Reminds students that brains are not enough for success - integrity, industry and honesty are also needed. He discusses building of character and moral struggle. Reflects back upon the relationship between the graduates and the faculty. Also reflects back on Professor Phelps. Tells students not to forget they are “Yale men.”

Valedictory to the Class of 1900, by Professor Simeon E. Baldwin - page 93
Reflects on this class being the last educated in the nineteenth century. Talks about how the latter portion of each century seems to be the time when the “distinctive work of an age” occurs - gives examples. Tells class lawyers will have to “guard, shape, and develop social and political institutions of the century to come. Predicts escalation in volume of case law so that particular precedents will become less important than legal principles. Reflects on the benefits of the Yale system of legal education. Reminds them they must uphold the honor of the profession and of Yale
Clients, by Professor William Townsend - page 83
Quotes several pieces of advice concerning ethical behavior from earlier *Shingles*.
Jokes that there are so many warnings in earlier years about being ethical that one can only assume a "lot of doubtful characters had been graduated from the Yale Law School" previously. Decides to advise graduates concerning relationships with clients. Reflects back on studying law in Judge Baldwin's law office and talks about advice he got from Baldwin regarding clients. Don't be overly effusive, flamboyant, or informal. Don't take medicine in front of clients or opponents. Learn the details of your clients' business (whether it's cranberries, railways, horse diseases, etc.). Discusses billing practices ("try to make a charge which your client will consider fair.") Relates some anecdotes from his own experiences and some of others.

Valedictory to Seniors, by Professor Simeon E. Baldwin - page 66
(See App. 6, pp. 17(a)-18)
Mentions Connecticut as the Mother of American law schools and says he has "several bound volumes of notes which my father took of lectures given at the Litchfield Law School, when he was a student there, ninety years ago." (P. 66). Talks about proprietary schools in New Haven. Reflects upon legal education in the 18th century and what Ezra Stiles, Jr. had to study with no other aid than a busy lawyer.
Talks about his early days with the law school, starting in 1869. Wishes the class well.

Yale in its Relation to Law, by Lecturer Thomas Thacher (YLS 1871) - page 29
(See App. 6 pp. 4-16)
Reprinting of speech given by Mr. Thacher at the Bicentennial Celebration. A history of Yale men who became lawyers - first Yale graduate to become a lawyer - William Smith of 1719. Several pages of historical material. Yale lawyers; Yale judges; Yale politicians; Yale academics; Yale diplomats.

Hints on the Ethics of Advocacy, by Honorable David Torrance (Chief Justice of Connecticut and Professor of Evidence) - page 49
Relying principally on Volume 2, Chapter 2, of Warren's Law Studies, "Ethics of the Bar," Judge Torrance gives some tips on being an ethical advocate. Lawyers must be good men, not just lawyers.
Reminds graduates of the oath lawyers take to be ethical. Cautions against abusive cross-examination, in particular of confusing an honest witness to the point of making him/her appear to be lying. In other words, lawyers should assist, not hinder, the administration of justice.
Legal Education in the United States, by Henry Ward Rogers (Professor of Equities and Corporations) - page 54
Professor Rogers summarizes the history of legal education methods in the United States, starting with apprenticeship training, Litchfield Law School, etc. Mentions law departments in colleges like William and Mary. Mentions growth in schools (1880 - 48 law schools; 1890, 54; 1901, 100) and the concomitant growth in students. Also mentions correspondence schools which "do not merit, and have not received, the confidence and approval of the profession." Affirms that Yale is not ready to fully adopt the Case Method but, rather, employs a variety of methods.

A Retrospect, by Dean Francis Wayland - page 9
(See App. 6 pp. 19-22)
This essay was written in Wayland's last year of "active connection" with Yale Law School. It contains some history of the law school from Wayland's perspective, starting with the year 1869 when classes were still meeting in "two rooms over a restaurant (Heublein's) and the university decided to save, rather than abandon, the law school. Discusses move to county Courthouse; acquisition of "able lecturers" (Woosley, Hadley, Francis Bacon, Leonard Bacon, McCurdy, Hoppin, Betts.) Discusses library fundraising; and the institution of some prizes for student competitions; bequests of importance. Mentions the Semi-centennial of the law school. Discusses growth of student body and mentions important positions held by some alums. Discusses need for a new building; fundraising for Hendrie Hall, donors and amounts.

Dean Wayland, by Hon. Simeon E. Baldwin - page 22 (See App. 6, p. 25)
A brief history of Francis Wayland's professional life and Yale Law School's growth and changes under his leadership. Also mentions the variety of endeavors in which Wayland was involved aside from the law school.

The Place of the Law School in the University, by Theodore S. Woosley (acting dean of the Faculty and Professor of International Law) - page 28 (See App. 6, pp 23-24)
Discusses the differences between professional students and university students. The former must be less sociable and more studious. Woosley's point of view is that a man either wholeheartedly involves himself in every one of his chosen endeavors or he is half-hearted about all. There seems to be no room for the possibility of dabbling in some things and being fully engaged in others. Mentions rule that one cannot play on a Yale University athletic team (unless holding a degree from Yale) until after spending one year in residency in the law school.
Connecticut in the Revolution, by Henry Wade Rogers (Professor of Equity and Corporations - soon to be dean) - page 36
Reprint of "response to a toast at the Banquet of the National Society of the American Revolution," held in New Haven, May 1, 1903. Thus, not actually an "address to students." Recaps Connecticut's role in the revolution - a patriotic speech.

1904

Final Words, by Dean Henry Wade Rogers - page 9
 Warns the class they must keep up to date on the law "through painstaking and persistent study and research." Have a system to keep yourself organized. Do not dedicate yourself so totally to representing your client that you are oblivious to the wider implications of what you are doing. Be more concerned about the value your services provide to society than about making money.

Commercial Politics and the Remedy, by Hon. Carter H. Harrison, Mayor of Chicago - page 17
 Discusses the need to pay attention to local government and politics. Mentions several specific cities known for corruption and run by political machines. Talks about efforts to clean up Chicago. Offers opinions about what causes corrupt local politics and suggestions on how to improve the system. Suggests that granting public franchises to private individuals is one of the greatest evils.

The Composite of Nineteen Hundred and Four, by John Wurts (Professor of Real Property and Federal Practice) - page 33
 Tells graduates that there is no one right way for all of them to begin their careers. Some perhaps should begin solo practice; others should join firms. Each must decide for himself and the first requirement is to decide one's own "measure of success." Decry's men who come to law school wanting only to learn law as a craft rather than valuing knowledge for its own sake. Evaluates students of various personality types and strengths and weaknesses, predicting the future of each type.

De Gradibus--Discussion started by Theodore S. Woolsey (Professor of International Law) - page 41
 A discussion of whether Yale Law School should require a college degree for entrance. Opinions by Professor Woolsey and by graduating seniors Howard Donald Humiston, Charles Driver Francis, and class President John H. Sears.
Expression, by Professor John W. Wetzel (Instructor in Elocution) - page 45
Discusses the importance of forceful delivery to back up a good argument.

Francis Wayland In Memoriam, by Hon. Simeon E. Baldwin - page 29
A brief tribute to deceased former dean Francis Wayland.

1905

Final Words, by Dean Henry Wade Rogers - page 17
Tells graduates it is more important to be men of good character than to be good lawyers. Not all may be able to be good lawyers (although it is important to strive to be), all can be good men. The country is full of bad lawyers. One cannot be a good one without continued hard work. One must keep abreast of the law in a broad way, not just wait for individual cases to appear to trigger attention to specific, narrow legal problems. As to entering public office, one should wait until he has some “means,” since public service doesn’t pay much.

Some Comparison of the Law and Its Practice in the 20th Century with Their Earlier Condition, by Cyrus LaRue Munson (Lecturer on General Legal Practice - President of Alumni Association) - page 5
Discusses growth in the United States itself and resulting growth in the laws of the country. Discusses the growth and progress in various specific substantive areas of law in the past 100 years. In particular, mentions that women are now “men’s equal” (this being somewhat ironic, since the nineteenth amendment to the Constitution was not enacted until 1920). Mentions importance to law’s evolution of the private corporation. Discusses changes/advancements in legal procedures. Mentions the technology of “stenographer and typewriter” which frees lawyers from having to write with pens. Happily mentions the demise of the old Writ System of pleading. Applauds modern mail service. And telephones. Discusses changes in the profession itself “today we are more businessmen than lawyers of ‘yore.” Notes lawyers are needed more as counselors and less as advocates (believed law was in the process of becoming more “settled”) Discusses the growth in number of volumes of case reporters.

"They Also Serve Who Only Stand and Wait," by George Emerson Beers (Assistant Professor of Elementary law and Real Property) - page 23
Complements Dean Rogers’ advice about keeping up to date on law by giving specific advice on how to do it. For example, read statutes and keep a notebook concerning new items; study Supreme Court cases; ask for Supreme Court briefs; keep up to date on events in local courts (read newspapers and magazines to know what the local bench is doing).
Final Words, by Dean Henry Wade Rogers - page 7
Tells the graduates that, as alumni, they have the reputation of Yale in their hands. Specific advice includes:
1) you don’t need to practice in a big city to have a successful career.
2) Don’t express any public criticisms that would tend to “impair confidence of people in administration of justice.” unless you need to try to get rid of an unfit judge.
3) Don’t be so dedicated to your client’s case that you are willing to sacrifice higher ideals.
4) Don’t be discourteous to opposing counsel or opposing parties.
5) Don’t mislead the court with false or outdated authorities.
6) Don’t allow others to use you for improper purposes.
7) Keep your word.
8) Don’t represent clients who want to bring frivolous lawsuits.
Reminds graduates of the promises they make when called to the bar (specifically quoting the oath required in the State of Washington).

A Valedictory Sermon, by Hon. Samuel O. Prentice (Professor of Pleading) - page 13
Discusses secrets of professional success, since being an unsuccessful lawyer would be a depressing situation. Mentions a variety of traits that would contribute to success, starting with diligence, hard work, etc. and moving on to fortuities like good health. But ultimately he emphasizes the need for high moral character and goes into some depth about what he means by “character” and why it is so critical.

As the Senior Passes, by Hon. Edwin B. Gager (Professor of General Jurisprudence, Mortgages, and the Law of Public Service Companies) - page 17
Discusses what lawyers need to know to be successful, including law (or at least the ability to look it up quickly and evaluate it accurately); business (“9/10 of your work will relate to business”) and ability to give good advice. Encourages working overtime to avoid being average. Continue general study (e.g., history, philosophy) as well as legal studies.

Extemporaneous Speaking, by John W. Wetzel (Instructor in Public Speaking) - page 21.
One cannot give a good speech without much thinking ahead of time as well as thinking on the spot. One can develop the ability to be a better extemporaneous speaker but, to some extent, the ability is an innate gift. To become better at it, one should study elocution. Then one must learn how to study up upon the topic of the speech quickly; how to outline it correctly; how to write on a subject and how to speak from a memorized outline.
Final Words by Dean Henry Wade Rogers - page 7
Discusses early Connecticut lawyers; regulation; restriction on numbers; some unusual judicial decisions. Discusses need to work hard; keep up on new laws; be good men and good citizens (meaning not necessarily seeking public office but being involved enough to care about how politics are run - i.e. fight against corruption).

Vale et Salve by Hon. Simeon E. Baldwin - page 15
Mentions he has had some part in educating every Yale law student since 1868. He has also seen many of them in practice since becoming a judge. He catalogs the characteristics of the best lawyers, including being practical rather than philosophical; being brief in argument; knowing the statutes and the rules of court (which too few do).

Success by Theodore S. Woosley - page 17
Advice to graduates. Mentions a wide array of choices are open: move to small town and let it “grow around you.” Become a corporate lawyer or “corporation buster.” Become a politician; an admiralty lawyer; criminal lawyer. Move west and become a land law expert. But whatever choice is made, be honest; success achieved as a result of cheating is not true success, which is a “thing of character.”

To the Class of 1907--Ave Atque Vale! by Hon. Epaphroditus Peck (Instructor in Evidence, Civil Procedure, and Domestic Relations) - page 20.
Practical suggestions for starting out in the law. Form good habits early, like keeping good books, time sheets, etc. Be businesslike in correspondence. Send out your own bills promptly and pay your expenses promptly too. Don’t economize on stationery. Have it be high quality (but not flashy or commercial). Be “neat and professional” in correspondence ‘if your letters look dirty and cheap, people will think you are a cheap and dirty lawyer”. Continue to study. Learn the statutes and law of your own state (since you didn’t learn them in law school). Master the English language; English literature (and some Russian literature); English history.

Theory and Practice, by Arthur Corbin - p. 24
A plea for theory in law school and in practice - not theory as opposed to the practical, but theory as it informs the practical. Emphasizes that law school is the place to learn theory, not the place to learn how to practice. Says theory equals wisdom, without which lawyers cannot practice wisely and judges cannot decide wisely.
1908

Address by Dean Henry Wade Rogers - page 7
Published version of "Address on The American Soldier, delivered before the Governor's Foot Guards on April 27, 1908. A discussion of war; when it's justified; when it's not. And a tribute to the bravery of American soldiers through history.

Will you make law a liberal profession? by Hon. Edwin Baker Gager (Professor of General Jurisprudence, Mortgages, and the Laws of Public Service Companies) - p. 13
 Discusses what he terms the "legal mind," a mind that not only knows the law but also has a "breadth of mental grasp," and is industrious in keeping up to date. Discusses need to know history and jurisprudence as well as legal rules.

A Word for International Law, by Charles Cheney Hyde - p. 19 (Associate Professor of Law at Northwestern University; Lecturer of International Law at Yale)
A very short essay on the significance of international law in 1908, with some encouragement to the graduates to consider it as a career.

To the Graduates of 1908, by Hon. Epaphroditus Peck (Instructor in Evidence, Civil Procedure and Domestic Relations) - page 21
Mentions that the graduates are entering a difficult profession and their first few years in practice may be a struggle, especially because there is a glut of lawyers (!) Contradicts any notion that law is the road to riches. Sees the law as THE profession in which brainpower is the single most important characteristic (compares it with other professions requiring other characteristics). Tells graduates they must do whatever they can to preserve their brainpower, including leading a simple, pure, and noble life.

1909

Historical Statement, by Dean Henry Wade Rogers - page 11
History of Yale Law School from founding to 1909.

Climbing the Ladder, by Henry H. Brown (YLS 1856) - page 25
He was asked to give advice to graduates concerning their entry into the profession. Like so many others giving advice to graduates, he tells them they must be industrious and honest. Oratorical ability is a plus although not indispensable. He feels it important to engage in some study of practice in a law office before trying to practice oneself. Believes small villages are not good places to start out because the practice is too limited. Ambitious lawyers need "courts, business, and men of substantial property." To make money, go to large cities. Best to avoid
criminal law or consider it "more as a recreation than as serious work."

Be sure to socialize appropriately - network! But in high circles, not in saloons. Be courteous and dress well. Avoid politics early in one's career. The bench is worth aspiring to, although recently it has fallen from grace. Decries election of judges, which makes judges political mouthpieces.

Above all, seek respect of other lawyers, rather than trying to impress general public.

1910

Advice to 1910 L, by Hon. Simeon E. Baldwin - page 11
Now that graduates have learned the "grammar of law" and "general principles" and "legal reasoning," it's time to develop as men and citizens. Thus, lawyers should engage in public service and in personal self-improvement, such as literary activity.

Reminiscences, by J.F. Kingsbury (an alumnus) - page 15
Retrospective by a Yale graduate who began studies in 1846. Full of anecdotes about the professors of his law school days (Judge William Storrs, Isaac Townsend, Henry White). Describes the men's physical appearance and a bit about the way they taught classes.

1911

Yale Law School and Ideals, by William Vance (Lines Professor of Testamentary Law) - page 27 (See App. 6, pp. 26-27)
Professor Vance writes to support and defend the new higher admission standards (completion of college rather than only two years of college). Discusses two tiers of legal education: university-affiliated schools (which hold classes in the daytime and offer full-time courses of legal study) and night schools, which exist to prepare men to pass local bar exams. They exist for different reasons. University schools have not done their job if they prepare students to pass bar exam. They must also train men to be citizens and lawmakers. Thus, schools like Yale train the "highest type" of lawyer - one with broad perspective and a trained intellect. The requirement of a college degree is a way of assuring that "on average" the men accepted to law school have the background necessary to equip him for technical training in law.

Historical Address, by Dean Henry Wade Rogers - page 13 (See App. 6, pp. 28-35)
Essentially a reprint of the 1909 Historical Address with a few details added to bring it up to 1911.

What is the Common Law? by Arthur Corbin (Professor of Contracts) - page 33
Gives a bit of history of the common law in England. Says "common" law a method of creating laws rather than set of rules - a striving toward a universal rule that is never reached. Says law is an art and science - the work of finding what justice is. The way to do this is focus on the precedents..
De Te Fabula, by Professor John Wurts - page 13
Disclaims having the expertise to offer much advice. But offers some anyway.
Don’t practice law in your own town (if you come from a small town), because “a prophet it not without honor...” Someplace new, you will be given the presumption of expertise and get off to a better start. Don’t go to New York City to practice unless you have strong business and family connections. Without such, you will be relegated to a “salaried position” in a law firm, underpaid and overworked for years. Also, your work will be too narrow.
Don’t think you need a lot of capital to start your own law practice. Gives a couple of anecdotes about men with little start-up money who made a success of law.

Historical Statement, by Dean Henry Wade Rogers - page 51.
Essentially a reprint of the historical statements in 1909 and 1911, recapping law school history from Staples’ school through 1911.

The Lawyer Before the Jury, by John Wetzel (Assistant Professor of Public Speaking in the Academic Department; Instructor of Public Speaking at the Law School) - page 65
Advice on improving one’s voice, including specific vocal exercises (e.g., “ha, ha, ho, ho, repeated several times as above indicated...”); guidelines as to what vocal characteristics are pleasant and unpleasant, discussing articulation, pitch, volume, tone. Offers advice on types of gestures.
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381 <= no such category in that year's edition.
382 Tribute to school benefactor John W. Hendric
383 Tribute to Henry Fowler English
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## Appendix 3: Categories of Shingle Articles and Pages on which they appear 1903-1912

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<sup>384</sup> Here law students can find the words and lyrics to Yale's anthem, *Bright College Years.*
| First Year Students |  |  |  | 133 | 134 | 109 | <> | <> | <> | <> |
| Second Year Students |  |  |  | 130 | 128 | 105 | <> | <> | <> | <> |

Appendix 3: Categories of Shingle Articles and Pages on which they appear 1903-1912
# Appendix 4

**YALE SHINGLE PHOTOGRAPHS**

1893 Shingle - Photographs - all pages are loose and no page numbers are given on photos

Senior Class Photo
Yale Law Journal 1892-93
Faculty: Professors Baldwin, Phelps, Beers, Robinson, Wayland, Watrous, Townsend, Judge Loomis,
Dr. Robinson (Librarian)

<table>
<thead>
<tr>
<th>1894 Shingle - Photographs</th>
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<tbody>
<tr>
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<tr>
<td>Yale Law Journal</td>
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<tr>
<td>Faculty Judge Loomis, Prof. Phelps,</td>
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<tr>
<td>Prof. Baldwin, Judge Fenn, Dean Wayland,</td>
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<tr>
<td>Prof. Watrous, Prof. Perry, Dr. Robinson,</td>
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<td>Prof. Buckland, Prof. Townsend, Prof. Beers,</td>
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<td>Graduates</td>
<td>7-29</td>
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<td>Hendrie Hall</td>
<td>51</td>
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<td>Yale Law Journal</td>
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<td>Graduates Individual photos</td>
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<td>Faculty Photos: Professors E.G. Buckland, G.E. Beers,</td>
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<tr>
<td>J. Wurts, S.E. Baldwin, E.J. Phelps,</td>
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<td>G.D. Watrous, Judge W.K. Townsend,</td>
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<td>Yale Boat House</td>
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<td>Hendrie Hall</td>
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<td>Prof. Pomeroy (who succeeds the late Prof. E.J. Phelps)</td>
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<td>Hon. Henry F. English</td>
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<td>President Arthur T. Hadley</td>
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<td>Yale Law Journal</td>
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### 1901 Shingle - Photographs

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<td>Hendrie Hall Auditorium</td>
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<td>Graduate Department - p. 44</td>
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<td>The Faculty - Group (No individual names listed)</td>
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<td>Yale Law Journal Editorial Board - group</td>
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<td>Hon. John W. Foster (Storrs Lecturer for 1901)</td>
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<td>Hon. David J. Brewer</td>
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### 1902 Shingle - Photographs

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Theodore S. Woolsey
Kazuo Hotoyma (Dean of Tokio Law School and Storrs Lecturer on Municipal Law)
Hon. Simeon Baldwin
William Kitchell (Instructor in N.Y. Practice)
Faculty: John Wurts, Hon. Samuel Prentice, Hon. Edwin Gager, Walter Clarkson
Graduates
Master of Laws Graduates
Charles Harriman, Quizmaster
Athletic photos
Yale Law Journal
Uncaptioned photo - men at mailboxes?
James Mark Sullivan - first Senior President of Kent Club
Charles Davenport Lockwood - Wayland Prize Debate winner
Stanley Wells Edwards - YMCA President
Law School members of Yale Glee Club:
  Messrs Garde, Read, Osborn and Hammett
Winners of following prizes:
  Porter, Jewell, Townsend, Wayland, Munson, Betts, Edward Thompson Company
John Harold Sears - Class President
Harvard-Yale Game

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Book and Gavel House
College Street and University Buildings Overlooking the Green
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VALEDICTORIY.

BY DEAN WAYLAND.

TO THE CLASS OF '93, Y. L. S.

I have been asked to contribute to your class book a few closing words—to pronounce the valedictory as it were.

I shall avail myself of your kind invitation to offer, very informally, some hints for your guidance in the years which are before you.

I am well aware that this is not an attractive role. If "the first bringer of unwelcome news hath but a losing office," how much easier or more agreeable an office has the "bringer" of advice to young men who are perhaps beginning to be a little impatient of even the mild discipline of the Law School, and to feel somewhat eager to show the world what they can do when compelled to shift for themselves. And yet there may possibly be a few things rather worth knowing which you have not learned.

In the outset let me remind you that you are drawing near to the threshold of your chosen profession. I commend to you a little faithful self examination. Ask yourselves whether your choice was dictated by caprice, or a desire to gratify the wishes of ambitious relatives, or by the supposed honor of belonging to one of the learned professions, or by a belief that this would be the best opening for a political career, or simply by a yearning for bread and butter. If your selection has had no nobler motive than such considerations as these, you may attain your object, but you are not likely to stand in the high places of the profession. You may indeed succeed in being a practitioner of more than respectable mediocrity. You may hold a succession of reputable political offices. You may earn a comfortable income. If these results are worthily reached, and if they bring contentment and a quiet mind, you may be pretty sure that you have found your niche.

Meanwhile, to this class of practitioners, a few suggestions may not be out of place.

Be industrious, of course, but do not let your industry take the form of feverish activity. Never give cause to be recognized as "a lawyer hunting for a job." Avoid impairing your self respect by greed of gain or thirst for notoriety. Do not act as jackal to an unscrupulous attorney, or divide doubtful fees with an over zealous constable. Stand upright before your client. You can serve him faithfully without catering to his vanity or compromising your conscience. If he cannot understand that you are not his slave, he is not the kind of client you want.

A criminal case, now and then, may do you no especial harm, if it does not come through a disreputable channel, and does not lead you to adopt unjustifiable methods. But do not commit yourself largely to
this department of the law until you have given the matter serious thought. Consider the kind of society to which it will inevitably introduce you and ask yourselves whether you can reasonably hope to escape the natural contamination of such an environment.

Be satisfied with slow progress at the beginning, so that it be the result of conscientious, painstaking and intelligent industry. Put all your powers into every case with which you may be entrusted. A young lawyer can have no better capital than the reputation of giving his best services to every client who employs him. Have strength of mind enough to reject a present paltry advantage for the sake of a greater good in the future. Many lawyers come short of success because they have no sense of perspective. In the long run, faithful work will always tell. Honest straightforward men in every calling were never more in demand than they are to-day. The lawyer of acknowledged ability, though his acquirements and capacity may not be above a fair mediocrity, is not unfrequently summoned by his fellow citizens to occupy positions of high honor and grave responsibility. Perhaps, after all, there is no better way to secure success than to deserve it.

But, let us suppose that you have higher ends in view, that you have looked upon the law as a noble profession, dealing with problems of the first importance in human development and beckoning to prizes worthy of any man’s ambition. By all means cherish this feeling. Let it stimulate you to unflagging zeal in spite of the many discouragements which are sure to come. Keep high ideals constantly in view. Read carefully the lives of great lawyers and strive to catch the secret of their success. Watch the leaders of your own bar, learning what to imitate and what to avoid. Enrich your vocabulary from the choicest specimens of forensic and parliamentary eloquence, as well as from a study of standard English classics in prose and poetry. Devote yourself to law as a science and not as a trade. Search diligently for general principles, and then, if need be, seek for cases which will illustrate and enforce them. Do not rest satisfied with any decision which does not commend itself to your instructed and enlightened judgment. Be something better than a mere case lawyer. Give yourselves a clear and wide horizon. Take broad-minded, generous views of jurisprudence. Cultivate the habit of generalization, but do not let this degenerate into fruitless speculation. In a word, aim constantly at an exalted standard of professional achievement. Let each day find you climbing steadily toward the coveted eminence. If you call for living illustrations of what may be accomplished by persistence in these aims and this kind of effort, you have not far to seek. Indeed you will not be compelled to look beyond the faculty of the law school. The richly deserved judicial honors recently attained by two of our professors make it manifest that here, at least, conspicuous merit has received recognition and reward.

If there are any among your numbers—and I sincerely trust there are not—who have squandered their time and wasted their opportunities, who, punctual only at the pool room, have become more familiar with roulette than with Robinson; who have rarely responded to the roll call and have never occupied front seats at recitation; whose physical activity has
been mainly exercised in dodging creditors and whose inventive faculty has been largely employed in framing excuses for raids on the paternal purse. I am not just now concerned with these young gentlemen. What they learn of life henceforward must be learned in the hard school of experience and they will be fortunate if they do not feel the full force of the familiar French proverb: "Experience is a comb which comes to a man after he has lost his hair."

The class of '93 is the largest Senior class in the history of the school. Many of its members have maintained a most creditable record for excellence in scholarship, gentlemanly deportment and punctuality of attendance.

By their zeal and ability in debate they have contributed largely to the success of the Yale Kent Club. They have sustained, if they have not increased the enviable reputation of the Yale Law Journal, and have made themselves felt as a power in the recent athletic imbroglio. In fact, many of the qualities which they have displayed during their connection with the school, will, if properly cultivated and restrained within wise limits, be of much service in promoting their healthful development in the years which are to come.

Their instructors will follow them with keen interest as they enter their respective fields of labor, will rejoice to hear of their prosperity, and will always give them a hearty welcome when they revisit the scenes of their professional studies.

Francis Wayland.
Yale In Its Relation to Law.

By THOMAS THACHER of the Class of 1871,
Lecturer on Corporate Trusts and formerly a Fellow of the University Corporation.

We meet to read the tale of two centuries of Yale life, to rejoice over Yale achievements, to refresh our sense of Yale character and to strengthen our love and inspire our zeal for Yale and for all that Yale stands for to-day.

If to enjoy the pleasures of reminiscence and imagination were our only purpose, this gathering of the sons of Yale would find justification enough. The dragging chains which hold our spirits down, in the busy life of to-day, must yield, as we live again, in memory, our own lives as Yale men, and in imagination see the men and deeds making up the history of Yale during these two centuries. "Hoc est vivere bis, vita posse priore frui." This is to live twice, to be able to enjoy the life that is past.

But there is a further purpose. We look back with pride, that we may go on with hope and zeal. Guidance and inspiration for the future of Yale, as ever in her history, come from the study of her past. As we pause to think what Yale has been and has done, of those who have labored for her, and of those whose lives have given to the world the fruits of Yale training and Yale character, can
we do less, and need we do more, than to resolve and pledge ourselves to the resolution that the Yale of to-morrow shall fit the Yale of yesterday?

Within these purposes, the proud duty is assigned to me to speak of "Yale in its relation to Law"—a grand theme, but one rich to embarrassment. The purpose of the law is to establish and secure peace, order, liberty and justice among men and among states and nations. Many and mighty have been the efforts and achievements toward this end during the last two hundred years in this country, and it requires but little reflection to realize that in them Yale has borne a large and honorable share. But should we try to show, with any approach to completeness, what Yale as an institution and through her sons has done in this wide field during these two centuries of varied and ever-changing activities, we should find the hour gone and the tale but just begun. The flying hour permits only the mention of a few names and a few achievements by way of suggestion and illustration. And this is well. For the power of this celebration lies not in what is said by the few, but in what is thought and felt by the many.

We claim for Yale a share in all the honorable achievements of her sons—and not solely because habits of thought and action are formed and character is determined in the years of college life. The influence of Yale does not cease at graduation. Yale associations are a continuing force in the lives of most of her graduates, often becoming stronger as the years go by. It must be admitted that sometimes the claim we make seems, at first thought, to rest on a basis a little shadowy; but usually investigation will justify it. Illustration of this fact will be found in the lives of those whom the limited time permits me to mention.

Turn your thoughts, if you will, to the early days. Consider the necessity and the difficulty of building up the law in the new communities, existing under peculiar and varied conditions, in the several colonies. The story of this work cannot be easily told, but it was important, and in it Yale, through her sons, bore an important part.

The first Yale graduate who devoted himself to the law was William Smith, of the class of 1719. He was the first graduate coming from New York. He quickly became a leader of the bar in New York City. When Governor Cosby sued Rip Van Dam for salary paid to him as acting Governor during the interim between the death of Montgomerie and Cosby's arrival, and appointed the Judges of the Supreme Court a court of equity to try the case, Smith and his associate, Alexander, boldly denied his authority. The case was not decided. But Chief Justice Morris was removed from office because he declared his opinion in favor of this contention. A petition brought before the Assembly the question of the power of the Governor to erect a court of equity, and William Smith was then publicly heard upon the subject. "It may well be doubted," it is said, "whether the American doctrine of home rule, which found its ultimate expression in the declaration of 1776, ever had fuller or clearer utterance than it did in the New
York Assembly in 1734." When, a little later, Zenger, the editor of a paper, started in 1733, doubtless by the influence of Smith, Morris, and Alexander, as an organ of those opposed to the pretensions of the Governor, was prosecuted for libel, Smith and Alexander came forward to defend him. Because they attacked the validity of the Court they were expelled from the bar, and Zenger was defended by Andrew Hamilton, of Philadelphia, who received from them the suggestions upon which he built his famous argument for the liberty of the press. Thus early did Yale stand forward for the rights of the colonies and for liberty. "Zenger's trial in 1735," says Gouverneur Morris, "was the germ of American freedom." Later, Smith was appointed Attorney General and Advocate General of the Province by Governor Clinton, and at his death he was a Judge of the Supreme Court. When he was admitted to practice, and for some years afterwards, he was the only non-clerical graduate of any college in the city, and his success is attributed to his advantages as a graduate of Yale. Doubtless, the course of instruction during his college days, in that early-time, was quite limited, and so was the learning he thus acquired. But in the fall of 1718, a year before his graduation, the first college building at New Haven was occupied; the controversy as to the permanent location of the institution was practically ended; the generous gift of Governor Yale had been received, and the name of Yale College was adopted. We are told that the commencement was "glorious and jubilant beyond precedent." This has a familiar sound. The spirit of Yale was there, "glorious and jubilant." And William Smith felt its influence, as so many have done since, during the remaining year of his student days, and the several years when he served as tutor. With its influence upon him he took up the practice of law in New York City. Was not this the advantage which gave him success?

In the class of 1721 was Thomas Fitch, who aided conspicuously in the building up of the law in the Colony of Connecticut, as Codifier of the Laws, as Chief Justice, Deputy Governor and Governor, and who was said by the first President Dwight to be "probably the most learned lawyer who had ever been an inhabitant of the Colony." To him President Clap submitted for revision the new charter of the College, the charter of 1745.

The class of 1724 supplied a Chief Justice to Rhode Island, Joshua Babcock, and the class of 1728 gave to New Jersey its first college-bred lawyer, David Ogden, described as "perhaps the first thoroughly educated lawyer in the province," who for many years was a leader of the bar, and became Judge of the Superior Court and later of the Supreme Court.

In the class of 1740 was Eliphalet Dyer, Judge of the Superior Court of Connecticut, and for four years its Chief Justice. The class of 1741 contained William Livingston, successful at the bar in New York, who removed to New Jersey and was Governor of that State from 1776 to 1790, and delegate to the Constitutional Convention of 1787. In the Class of 1744 was William Samuel Johnson,
YALE IN ITS RELATION TO LAW.

For many years a leading lawyer of Connecticut, for some time Judge of the Superior Court of that Colony, a prominent delegate to the Constitutional Convention, and first United States Senator from Connecticut; also, president of Columbia College. In 1745 was graduated William Smith, son of William Smith of 1709, a partner with Livingston in the practice of law, who with him revised the laws of New York. In his later years he was Chief Justice of Canada, and was called "the father of the reformed judiciary of that Province." It may be noticed, in passing, that while William Smith, the father, was one of the first trustees of Princeton, the son was an adviser of Wheelock as to the charter of Dartmouth. Richard Morris, Chief Justice of the Supreme Court of New York, was a graduate of the class of 1748. In the class of 1750 was Thomas Jones, Judge of the New York Supreme Court; and in the class of 1751 was Chief Justice Richard Law, of Connecticut.

These names must suffice to suggest the influence of Yale in the law through its graduates of the first fifty years of its life. Even in those days, when the law presented little attraction compared with the later times, Yale sent out men "fitted for public employment in the Civil State" as well as in the Church, who contributed largely to the work of establishing peace, order, liberty and justice in the Colonies.

In the year 1763 there is a scene which is within our theme and is in many ways too interesting to pass by. It is that of the contest before the Connecticut Assembly as to the right of that body to interfere in the management of the College—similar to the contest which gave rise to the famous Dartmouth College case, although, of course, not involving the constitutional question decided in the United States Supreme Court. This contest was a Yale contest in more respects than one. The presiding officers of the two Houses of the Assembly, and one-half of the members of the Upper House and one-sixth of those of the Lower, were Yale graduates. The counsel were Jared Ingersoll, of the class of 1742, and William Samuel Johnson, of the class of 1744, on the one side, and the President of the College, Thomas Clap, on the other. Obviously, the question was of vital importance, and the victory of President Clap, which seems to have settled it forever, was not the least of his services to the College. Moreover, the scene itself is evidence, so far as Connecticut is concerned, of the general influence of Yale in the domain of the law in those days.

In the Constitutional Convention of 1787, Yale was represented by William Samuel Johnson, of Connecticut, William Livingston, of New Jersey, Jared Ingersoll of Pennsylvania, and Abraham Baldwin, of Georgia. These were graduates. Yale may also claim an interest in another of the Connecticut delegates, Oliver Ellsworth. Though he graduated at Princeton, he was a student at Yale for three years. Roger Sherman, too, in some degree belonged to Yale College, having been its treasurer for ten years and more. The Constitution as recommended by
the Convention was put in final shape by a committee appointed to revise the style and arrange the articles, of which William Samuel Johnson was chairman, the other members being Hamilton, Morris, Madison and King.

Yale was influential in the conventions of the States by which the Constitution was adopted; in Massachusetts through Theodore Sedgwick, in New York through Richard Morris, John S. Hobart and Philip Livingston, in Connecticut through Ellsworth and many others. And, when the national government under the Constitution was established, the influence of Yale was felt in the first Congress, notably through William Samuel Johnson and Oliver Ellsworth, who drew the act of 1789 for the organization and regulation of the Federal Courts.

After the establishment of the Federal Government with its Congress and its Courts, and the complete organization of the several States, each with its Legislature and its Courts, and in each of which a body of law, legislative and judicial, was to be worked out independently, the efforts and achievements of the law become so numerous, the share therein of Yale and Yale men becomes so complex, that some classification seems necessary in selecting the names and deeds to be especially mentioned. From this time on we find Yale men at work as members of both Houses of Congress and of the Legislatures of the States, as Governors, as law officers of the United States and of the States, as Judges in the Federal and State Courts, as educators and writers, and as attorneys and counsellors—in all ways and in all parts of the land, and in great numbers, working with zeal, influence and honor to advance the grand purpose of the law. The several topics, Yale in legislation, Yale on the bench, Yale in legal education and literature, and Yale in advocacy, suggest themselves. But, before we seek to find illustrations of the influence of Yale in each of these fields, one name, which belongs to all of them, must first be mentioned.

I refer to Chancellor Kent, of the class of 1781, who perhaps outranks all other Americans as a contributor to the advance of law. He served in the Legislature of New York. He was one of two commissioners appointed in 1800 to revise the laws. While engaged in practice, he was for several years, from 1793, professor of law at Columbia, and he resumed this work in his later years. For sixteen years he was a Justice, and for ten years Chief Justice of the Supreme Court of New York, and for seven years Chancellor of that State. And, after his retirement from the bench on account of age, he wrote, and revised through three editions, his Commentaries, called by Judge Story "the first judicial classic," and known and valued throughout the English-speaking world. His labors and learning, it has been said, gave to the judicial history of New York its chief ornament and value. Through the courts of New York, and later through his writings, he spread abroad over the land larger, clearer and truer conceptions of municipal and constitutional law, and contributed largely to the improvement of the
administration of justice in the courts. Surely, it is a privilege to claim a share in his work and life.

Chancellor Kent was in college from 1777 to 1781. Means of subsistence were difficult and the movements of the British troops were disturbing, and the college was not open more than one-half the usual time. (It was, by the way, during his retirement when the college was broken-up by the troops, that he at the age of fifteen read Blackstone and resolved to be a lawyer.) Yet that life at Yale was an important factor in the making of the man who wrought so well in the law, is evidenced in an address delivered by him in 1831 before the Phi Beta Kappa Society in New Haven (of which he was one of the original members). He says: "Who, indeed, can resist the feelings which consecrate the place where he was born, the ground where his ancestors sleep, the hills and haunts lightly trodden in the vehemence of youth; and, above all, where stand the classic halls in which early friendships were formed and the young mind was taught to expand and admire!"

Chancellor Kent was fortunate in that his decisions were well reported. We should not, therefore, pass on without referring to William Johnson of the class of 1788, reporter of the Supreme Court, and from 1814 to 1825 reporter of the Court of Chancery. Without such reporting, the influence of Kent's decisions would not have been such as to entitle Judge Dillon to call him, "more than any other person, the creator of the equity system of this country." Judge Story said: "No lawyer can ever express a better wish for his country's jurisprudence than that it may possess such a chancellor (referring to Kent) and such a reporter (referring to Johnson)."

And in this connection should be mentioned the like service done for the courts of Connecticut by Thomas Day, of the class of 1797.

From the thought of Chancellor Kent it is easy to pass to the topic of Yale as a teacher of law. As part of the efforts of the first President Dwight to broaden the scheme of studies at Yale, Elizur Goodrich (class of 1779) was appointed Professor of Law in 1801. He held this appointment until 1810. His successor was Judge David Daggett (class of 1783), appointed in 1826, who continued in the chair until 1848. On account of an endowment received from friends and admirers of Chancellor Kent, the professorship in 1833 was named the Kent Professorship of Law. It has always belonged to the Academic Department. That some knowledge of the law should be acquired by all who claim to be educated men, has been recognized at Yale since the beginning of the nineteenth century. Work to this end, however, can hardly be said to have been prosecuted satisfactorily until, in 1881, the Hon. Edward J. Phelps accepted the professorship, which he continued to hold until his death, although his duties were suspended during his absence in England. The services of Prof. Phelps, in this

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professorship, as well as in the Law School, are so well known and so lately ended as to need no comment.

The famous law school in Litchfield, started in 1782, and the first of its kind in this country, cannot be claimed as a Yale foundation, since Judge Reeve, its founder, was a graduate of Princeton. But in 1798 James Gould, of the class of 1791, became associated with Judge Reeve in the conduct of the school, and after 1820, when Judge Reeve retired, had charge of it until its discontinuance in 1833. Meantime, Seth P. Staples, of the class of 1797, started a private school in New Haven. After a time Samuel J. Hitchcock, of the class of 1809, assisted him. And when Mr. Staples went to New York in 1824 he left the school to Mr. Hitchcock and Judge Daggett. Judge Daggett, being appointed Kent Professor of Law, the school was treated as a Yale institution, although degrees were not conferred upon its graduates until 1843. In 1847 a new law faculty was appointed, consisting of Governor Bissell and Judge Dutton. After the death of Judge Dutton, in 1869, the faculty was reorganized. Under the management built upon the foundation then made, the school has attained the high position it now holds among the law schools of the country.

The two distinct purposes—the teaching of the law as a part of a general education, and the training of those intending to practice law—have gone on here separately, but side by side. Lately, courses in law have been put among the elective studies of senior year in the Academic Department, and the work of the academic professors and the professors in the law school has been in part united. This not only enables one intending to practice to shorten the time of preparation without reducing the years of academic life, but—what to me seems more important—it gives to all academic students a better opportunity to acquire such a knowledge of the nature, the history and the principles of the law as all educated men should have for their own good and for the good of the community in which they live. Is not this an important step in the carrying out of the chief purpose of Yale—to make good, intelligent and influential American citizens?

The work of Yale in the teaching of law has not been confined to New Haven. Reference has already been made to the work of Chancellor Kent at Columbia, and of Judge Gould at Litchfield. Professor Theodore W. Dwight, the most famous teacher of the later years, studied at the Yale Law School. The three law schools in New York are now presided over by Yale graduates. In St. Louis, Cincinnati, Albany, Washington, Buffalo, Ann Arbor, Chicago, Baltimore, all over the land—and in Japan, Yale graduates have been and are engaged as teachers in spreading the knowledge of the law.

Speaking of the study and teaching of the law, and standing in this presence, we cannot fail to read from the windows of this chapel the names of two persons, who in other connections will receive tributes of love and veneration in this celebration—President Woolsey, because of his work in international law, and Pro-
Professor James Hadley, because of his work in Roman law. The study of the law greatly attracted Professor Hadley during the latter part of his life. Would that his strong and luminous mind had been permitted longer to roam in this field, and to give to the world further fruits of his research.

The topic "Yale in Legislation" calls to mind a host of the sons of Yale who, as Senators, Representatives in Congress, Governors and State legislators, have wrought well, and done honor to their Alma Mater.

In Congress, the figure which rises above the rest, because of historical prominence, is that of John C. Calhoun, of the class of 1804. Strong and keen in intellect, upright in character, determined, tenacious and indefatigable, he was a worthy member of that great trio of which Webster and Clay were the others. Devoted to the interests of the South, believing slavery essential to those interests, and foreseeing the conflict likely to arise, he abandoned the broader view of the nation with which he had started out, studied the Constitution anew, and became the great nullifier. The South Carolina idea, to which he first gave definite shape, and to which he was devoted to the end of his days, was fought to the death in the debates in Congress, and in the country, and finally in the Civil War. Calhoun is remembered only as the apostle of a lost cause. It is said that he carried "the half-unconscious sadness of the prophet who foresees the coming sorrow that is hid from the common eye." He might well rejoice to-day that, notwithstanding his forebodings, the nation and the section which he loved are greater and more prosperous because of the loss of the cause for which he fought. We of the law are accustomed to think that, the stronger the adversaries and the more fitly matched, the truer, the more complete and satisfactory will be the conclusion of the court. The conflict was inevitable. But, without Calhoun, would the issue have been so clearly defined, the decision so complete? Would Webster have stood out so grandly as the defender of the Constitution, if it had not been attacked by a man of the intellect and character of Calhoun?

Gladly would we claim Webster as a Yale man; and not least because of those words of tenderness uttered with broken voice and tearful eyes after his great argument in the Dartmouth College case—"It is, sir, a small college; but there are those who love her." He belongs to Dartmouth. And yet, without detracting from her honor, Yale may; through one of her distinguished sons, claim a share in his work. I refer to Jeremiah Mason; of the class of 1788, a great lawyer and jurist, whom Webster would not permit to be outranked, even by Marshall. He was a leader at the New Hampshire bar when Webster began his practice there. They fought together in the courts. They became friends. They were associated in many ways. As Mr. Lodge points out, the example of Mason and competition with him were in large measure the cause of the rapid development of Webster's "unequaled powers of stating facts or principles," and of his study of simplicity.
and directness "which ended in the perfection of a style unsurpassed in modern oratory."

It would be pleasant to dwell upon the records of many others of the sons of Yale who have done honor to themselves and to Yale in the Senate and House of Representatives. But this would require selection from about sixty Senators and about one hundred and fifty Representatives. And the hour is flying.

The record of Yale on the bench is embarrassing because of its fulness. The second Chief Justice of the United States Supreme Court was Oliver Ellsworth, a student at Yale for three years, although graduated at Princeton. Henry Baldwin, of the class of 1797, was a Justice of that Court from 1830 to 1844. In 1870, William Strong, of the class of 1828, became a Justice of that Court, and so continued until 1880. Morrison R. Waite, of the class of 1837, was Chief Justice from 1874 to 1888. He was an Alumni Fellow of Yale from 1882 until his death in 1888. William B. Woods, of the class of 1845, was a Justice of the Supreme Court from 1880 to 1887. David J. Brewer, of the class of 1856, was appointed Justice in 1889; Henry B. Brown, of the same class, in 1890, and George Shiras, Jr., of the class of 1853, in 1892; these three still continuing in office. Judge David Davis, who was Justice of that Court from 1862 to 1877, studied law at the Yale Law School but before the time when degrees were conferred upon its graduates.

In other courts, Yale's representation is so numerous as to baffle any effort at reasonable selection. The classes of 1774 to 1778 supplied five Judges, two of whom were Chief Justices, to the Supreme Court of Vermont. The list of Judges in Connecticut reads like a Yale catalogue. In New York the name of Chancellor Kent heads the list, which is a long one. The high reputation of the Superior Court of New York City was so largely due to Yale men as to demand special mention. It was established in 1828, and its first Chief Justice was Samuel Jones, of the class of 1809 (previously chancellor), who continued in office for nineteen years and then became a Judge of the Supreme Court, and "of whom," says Benjamin D. Silliman, "we all spoke, not irreverently, as the 'old chief,' than whom, perhaps, no more learned judge or able lawyer, save Chancellor Kent, could be named at the bar." Another of the three original Judges of the Superior Court was Thomas J. Oakley, of the class of 1801, one of the leaders of the bar, who continued in that court until 1857, in 1847 becoming its Chief Justice. Other Yale men who became Judges of that Court were Lewis B. Woodruff, who later was United States Circuit Judge in New York; Edwards Pierrepont, who was Attorney General of the United States, and Charles F. Sanford. Mention might be made also of Alexander S. Johnson, Judge of the Supreme Court and of the Court of Appeals, and of the United States Circuit Court; of Douglas Boardman, of the Supreme Court (at his death Dean of the Law School of Cornell), and
many others. In the Massachusetts Supreme Court, Yale was first represented by Simeon Strong of the class of 1756, and later by Theodore Sedgwick, and later still by Dwight Foster. Through Chief Justices Meigs and Hitchcock, Yale has presided over the Supreme Court of Ohio, and through Chancellor Runyon over the Court of Chancery in New Jersey. These are but a few names out of the long list of Yale Judges.

The roll of successful advocates is not easy to make up. The work of the advocate is but little recorded. A few leave memories that endure for a time, but most of them are lost to fame soon after their voices cease to be heard in the courts. You will recall many of them among the graduates of Yale, with whatever localities you may be familiar. The list is long and selection would be difficult. There is, however, one graduate of Yale, whose name must occur to all—one who enjoyed unique opportunities and in them won unusual distinction, and rendered unusual service. I need hardly say that I refer to William M. Evarts. When the conflict between Andrew Johnson and the dominant party in Congress led to the impeachment of the President, it was his privilege to appear in his defense before the Senate of the United States, sitting for the first time in a case of grand consequence as a Court of Impeachment. He successfully contended against a view of the relative powers of Congress and the Executive, which, if established, would have destroyed the balance intended by the framers of the Constitution. On what a high plane he put the discussion! With what dignity and force did he hold the tribunal to its high responsibilities, to its duty to act as a court, and not as politicians, nor even as statesmen! By clear exposition and logical argument, by lofty and dignified eloquence, and by occasional humor, relieving the tension and sending his points home, he made clear, so that none could overlook it, the purpose of the Constitution to make of the President, not an employee of Congress, bound to do its bidding, but an independent co-ordinate branch of a well-balanced government, being protected by the Constitution and having the right and the duty to determine his course thereunder free from Congressional coercion.

When England and the United States resolved to employ arbitration for the first time in a dispute of large import and of much difficulty, and the issues between these two nations were brought before the Geneva Tribunal, one of the three who appeared as counsel for our Government was Mr. Evarts, with him being associated his classmate, Mr. Waite, afterwards Chief Justice. A large share of the duties of the three fell to Mr. Evarts. Time does not suffice to tell of the nature of his argument. But one cannot read the record without believing that, if arbitration shall become the common mode of settling international disputes, it will be largely because of the manner in which the case of the United States was presented to the Geneva Tribunal by Mr. Evarts and his associates.
Mr. Evarts was the leading counsel on one side before the Electoral Commission in 1876, in which his efforts were directed against the interest of his classmate, Samuel J. Tilden. Where in the history of the bar can it be found that three such opportunities fell to any other man? And yet, if they had none of them come to him, his record as a lawyer would have been an unusual one. Witness the prosecution of the Cuban filibusters in 1851; the Lemon slave case, the cases concerning the power of the States to tax United States bonds and national bank stock; the Granger cases, as to the power of the States to regulate the charges of railroads; the Jacob case, relating to the extent of the police power of the State, the Beecher case, and many other important cases in which he was engaged. Remember, also, his honors and services as Attorney General of the United States, Secretary of State and Senator.

There was no more loyal son of Yale than he, none more ready to concede to his Alma Mater a share in the merit of his achievements.

Mr. Evarts studied law in the office of another graduate of Yale, who was distinguished as an advocate and whom it is peculiarly proper to mention on this occasion—Daniel Lord, of the class of 1814. For, at the celebration in 1850, he responded to the toast "Alumni of the Bench and Bar." He was then one of the leaders of the bar in New York City, constantly engaged in important cases, ranking with Charles O'Conor, James T. Brady and William Curtiss Noyes.

The name of Daniel Lord, especially if we add that of Benjamin D. Silliman of the class of 1824, long the oldest living graduate of Yale, and Nestor of the New York bar, and also that of Samuel J. Tilden, will serve to suggest still another department of legal service of great and ever-growing importance, in which Yale men have been and are abundantly busy and useful all over the land—that of the lawyer in his office, advising as to rights and duties, drawing contracts, wills and other papers, construing statutes and other writings, settling disputes, giving opinions, supervising the organization and management of corporate and other enterprises. There is no public record of these services, but there is more accomplished and more responsibility assumed in this department than in any other.

It seems to be the rule; as to such occasions as this, that the word of praise shall be spoken only of those whose work here is ended. This cannot prevent us, however, from noting that many Yale men are busy in the law to-day, if we avoid both praise and criticism.

Note, first, how many are Judges. Chief Justice Peters, of Maine, has withdrawn from the bench which he has honored for so many years, but his judicial influence still continues. In the Supreme Court of Massachusetts is Judge Knowlton; and Judge Colt is United States Circuit Judge for the First Circuit, covering Maine, New Hampshire, Massachusetts, and Rhode Island. In Con-
necticut, if you go to the Federal Court, you will find Judge Shipman or Judge Townsend, or, if you go to the Supreme Court, Judge Baldwin and Judge Prentice. Judge Vann is in the Court of Appeals in New York; in the Federal Courts are Judges Shipman and Thomas and in the State Supreme Court are Judges Andrews, MacLean, Jenks and Clarke. Go to New Jersey and you will find Judge Adams in the Court of Errors and Appeals. Judge Archbald is United States District Judge in Pennsylvania. In Delaware there is Chancellor Nicholson. In the Illinois Supreme Court is Judge Magruder. Judge Shiras has long been United States District Judge in Iowa, and Judge Adams holds a like position in Missouri. In Montana, Yale is represented in the Supreme Court by Judge Milburn. And there are many others. This list is only suggestive. Let us end it with those we find in the United States Supreme Court. There are Justices Shiras, Brewer and Brown in the three corners of opinion on the insular cases, holding positions covering the whole field, ready whichever way the wedge comes to carry the ball behind the goal posts and score for Yale.

In the teaching of law, besides all that are at work here in the Yale Law School, there are Chase and Ashley and Kirchwey at the head of the three schools in New York, and Professor Russell is still at work in one of them. Judge Finch, who served so long and honorably in the New York Court of Appeals, is at the head of the Law Faculty of Cornell. Judge Learned, I believe, still teaches law in Albany, Henry Hitchcock in St. Louis, Professor Robinson and Judge Brewer in Washington, Judge Smith in Cincinnati, Wilcox in Buffalo, and many more are engaged in this work.

In the Senate Depew has plenty of Yale company, and so has Dalzell in the House of Representatives.

It would hardly do to mention names among the living advocates and counsellors. Enough has been said to suggest to how great an extent Yale men are busy in the varied work of the law all over the land.

Nor are they confined to this country. In the Hawaiian Islands, Chief Justice Frear has succeeded Chief Justice Judd. Judge Hunt is Governor-General of Porto Rico. And look further yet. In the far Philippines sprang up before the nation as the result of war a problem of peace, new to us and difficult—to establish peace, order, liberty and justice in the midst of a peculiar people, made up of many elements, all unused to the ideas of civilized liberty, long familiar to us. For the solution of this problem there was need of a leader of high intelligence, experience in the law, strength, courage and character. Judge William H. Taft, of the class of 1878, was chosen as such a leader. He is working for the law in that distant outpost, which war has brought within our sovereignty, and for which, whether happily or not, we have become responsible. When he shall return, having finished his task, having laid well the foundations for the good of that people
and of this nation, it will not be the least of his joys to lay his honors in the lap of Mother Yale.

As I have named one and another of the graduates of Yale, distinguished in the law in the past or active in its service to-day, you, I trust, have thought of many more equally deserving of honorable mention, not forgetting the many whose works have not been less important because unknown to fame. Let your thoughts run off on many lines. Thus shall the purpose of the hour be accomplished. The past and present will bring to your minds enough to gratify your pride as Yale men and friends of Yale. But do not stop there! Look to the future! Think of the many, various and wide-reaching questions now pressing for solution—growing out of the results of the Spanish war, out of the practical union of distant places by steam and electricity out of the tendency to consolidation, out of combinations of capital and of labor, out of the increase in the functions of large cities, and generally out of the rapid advances in industrial, commercial, municipal and political methods. That these questions may be rightly solved, is there not an emphatic call, with a view to service in Congress and the State Legislatures, on the bench, at the bar, in the schools, in the lawyers’ offices and in the council-rooms of municipal and business corporations and other associations, for many men of the kind which Yale training produces—men of trained minds, who are familiar with and respect the precedents of the past in regard to government, business and finance; men of independence of thought, not to be moved by the demands of ignorance or prejudice; men of high character, who understand and are in full sympathy with the purpose of the law to secure peace, order, liberty and justice? Yale claims no monopoly in such production. She rejoices that she is but one of several universities, in generous and invigorating rivalry, engaged in the same work. Inspired by the retrospect of these jubilee days, surely Yale will continue to do her full share of that work in the century now brightly opening, as she has done in the two centuries over whose records your thoughts now roam with pride and joy.

May it be said, Mr. President, that in the claims we make for Yale, we speak with prejudice; that possibly we exaggerate and idealize; that we cannot with the coolness of the stranger estimate the character and the influence of Yale and the share of honor due to her for what she and her sons have done? If this charge is made, let us plead guilty, but stand unrepentant. And when another hundred years shall have gone, and the sons of Yale shall gather again to read her record, to sing her praises and to gird themselves for greater things beyond, then, too, may there be none here who can speak unmoved by the prejudice that springs from love.
Valedictory to the Class of 1902.

The Faculty congratulate the graduating class on their having spent at Yale the first year of her third century.

Nothing has more of solid dignity than an old institution that has never stopped growing and growing better. Such a growth has characterized both Yale and the particular Department of the University in which you have been enrolled. Connecticut was the mother of American Law Schools. There are in my library several bound volumes of notes which my father took of lectures given at the Litchfield Law School, when he was a student there, ninety years ago; but shortly before that school was gathered at Litchfield, there existed one of much the same character at New Haven, under the shadow of the College, though not a part of it. It was under the instruction of Charles Chauncey, in whose office there were, during the forty years of his practice at the bar, almost always several young men engaged in legal studies.
VALEDICTORY.

To get a legal education here, in the eighteenth century, meant hard work. Among the Bicentennial publications of Yale University last Fall, one of the most valuable was the "Literary, Diary" of President Stiles. This gives a full statement of the law course completed in New Haven in 1788 by his son, Ezra Stiles, Jr. It had been begun by him while a Senior at Harvard in his last Winter vacation, which he spent at Portsmouth, New Hampshire, in the office of Judge Parker of that place. The Winter vacation in our Colleges was then the long one, and lasted from December to March. Graduating in 1778, he went at once into Mr. Chauncey's office here, and read under his eye until April, 1780, when he was admitted, upon examination and the presentation of a satisfactory thesis, to the bar of New Haven County, at the age of twenty-one.

The subject of his thesis was "Law of Succession to Estates." During his two and a half years of legal study, he had read these books: Burlamaqui on The Principles of the Law of Nature; Montesquieu, De l'esprit des lois; Lord Kaims' History of Law; Blackstone's Commentaries, and Analysis; Wood's Maxims, and Institutes; Co. Litt.; Bacon's Abridgement; Hawkins' Pleas of the Crown; Gilbert on Evidence, on Decises, and on Tenures; The Law of Bills of Exchange; Molloy, De Jure maritimo; Hale's Abridgement; Lex Testamentorum; Sullivan's Lectures; Bohun's Institutiones Legum, and Declarations; Iloot on Suits at Law; Officium Clerici. Pachs; Burn's Justice; Dalrymple; The Institutes of Justinian, and part of the Pandects; Puffendorf on the Law of Nature; Poulto's Criminal Law; Salter's Reports; Burrows' Reports, Vols. 1 and 2; and selected cases from Raymond's, Holt's, and Sawyer's Reports; and part of Godolphin's Orphan's Legacy.

The poor fellow who toiled through these books, one after the other, with no other aid than a busy lawyer (for Chauncey was one of the leaders at the Bar of the State), could give, at odd hours, was certainly to be pitied. He must have sadly needed what the modern law school exists to give.—that systematic instruction in comprehension and legal relations, which might have served

"To turn the vast mass he had learned into learning."

Goethe says that untrained teachers are always experimentating at the expense of their scholars, and forcing them to study what is only valuable to themselves. As one of those who, when they were all young and untrained, took this Law School in hand in 1869, I must own that I feel the full force of this criticism. The Faculty, during the first decade of the organization of the School, from 1870 to 1880, I am afraid, sought sometimes to teach to beginners too many things and too many hard things. I can congratulate the Class of 1902 that you have profited by the experience of earlier classes, and that your more difficult and philosophical studies have at least come in the right part of your course,—towards the close.

And now we are to bid you Good-bye. You go out, the first fruits of the third
century of the life of Yale. Make it your ambition to be worthy of her,—to be worthy of what is best in her. She has taught you the noblest of human sciences,—that which comes nearest to the divine; for Justice and Right are the expression on earth of the will of heaven. Practice it nobly. It has rewards of many sorts: but the best is the respect of those who know you best,—the esteem of your professional brethren. That is to be had by every man, if he deserves it,—it does not require transcendent ability. It does require sincerity, honesty, and resolution, supported by a sound legal education; and these fall within the power of every graduate of the Yale Law School.

Simeon E. Baldwin.

New Haven, March 22, 1902.
A Retrospect.

Francis Wayland

As my active connection with the Yale Law School will terminate with the close of the present academic year it seems fitting that my valedictory should appear in the official organ of the graduating class.

It would be interesting, did time and space permit, to follow in detail the various stages of the evolution of the Law School from its humble home thirty years ago in the Leffingwell Building, to our present commodious and altogether adequate quarters.

Up to 1873, the School occupied two rooms in the rear of this building over a restaurant. The larger apartment was at once a library, a recitation, conversation and lounging room. In the intervals between recitations it is alleged to have been at times the scene of much athletic activity. It was heated by a good-sized stove, around which was an ample box filled with sand designed to receive the frequent expectorations of the faithful few who worshiped at this shrine of Themis.

The library consisted of imperfect sets of reports of several States and some archaic text-books. On one side of the room was a dias supporting the desk, behind which the instructor (the use of the singular number is intentional) surveyed with a somewhat saddened expression his little band of listeners. A visitor to the scene might well have said to himself: "These young gentlemen certainly 'scorn delights,' even if they do not live 'labourious days.'" A small adjoining room served as a retreat for the instructor and sheltered the librarian. It will, of course, be understood that I am speaking of the condition of affairs in the year 1869, when so many members of the Corporation it seemed hardly worth while that this faint semblance of a Law Department should survive.

President Woolsey took the matter into his own hands, suo more, and prevailed upon three prominent young members of the New Haven Bar to undertake the apparently hopeless task of resuscitating this well-nigh moribund department. Messrs. W. C. Robinson, S. E. Baldwin and Johnson T. Platt were the selected triumvirate. Of these, Professor Baldwin alone is now connected with the department of which he has long been recognized as the Nestor. May the day be far distant when the School ceases to enjoy the benefit of his ripe learning and his high standard of legal education. Professor Platt died in 1890, in the prime of his powers, sincerely mourned by his associates and by his large circle of friends. Professor Robinson left us in 1896, to become Dean of the Law Faculty of the Catholic University of America in Washington, D. C. His tact, his personal kindliness, his mental alertness, his presence of mind, his perfect familiarity with the topics he taught (mainly Elementary Law and Real Property), made him a most successful teacher. All the surviving Alumni of the years between 1869 and 1896 will recall him with grateful affection.

In 1872 I joined the corps of instructors and in 1873 became Dean of the Faculty.

Our removal in the spring of the last named year to the County Court House was almost our first ray of sunshine. Before this, however, some valuable additions had been made to the library and a corps of very able lecturers had been secured,—ex-President Woolsey on the Law of Nations, Professor Hadley...
Let me add that we always received every civility from the County Commissioners, nor, so far as I recall, did they ever have reason to regret their hospitality to their young tenants. At times, the noise made by the students in their rapid climb to reach the recitation room in season for the eagerly awaited exercise provoked an animated protest from the Sheriff, whose duty it was to protect the court from annoyance. But, usually, the demeanor of inchoate attorneys was sufficiently decorous, if not entirely dignified. In this connection, one important fact should not be overlooked, viz., the opportunity to attend the sessions of the Supreme Court of Errors, Superior Courts, and Court of Common Pleas, held in the same building. The value of this privilege to the young law student can hardly be exaggerated.

Immediately after our removal, which, as I have said, took place in the spring of 1873, greatly increased activity was manifest in the conduct of the School. The sum of $35,000 was quickly raised and promptly expended in establishing a library worthy of the name. Governor Marshall Jewett indicated his interest in the School by establishing three prizes of $50 each (subsequently reduced to one prize of that amount). In 1874 Honorable J. M. Townsend, the father of our beloved and respected Professor W. K. Townsend (whose recent promotion to the Circuit Court of the United States was a source of great satisfaction to all the Alumni of the School and the community at large), showed his intelligent sympathy with our labors by establishing a prize of $100 for the best oration at our Commencement, delivered by a member of the graduating class.

Another event of marked significance in our history was the addition of Honorable Lafayette S. Foster, LL.D., to our corps of instructors, his subject being Parliamentary Law. As presiding officer over legislative bodies, State and national, he had attained well deserved preeminence and his name added largely to the prestige of the School. He died in 1880, having made testamentary provision for the endowment of a professorship of Common Law. The recent death of his widow, who had a life interest in the legacy, puts the sum of $60,000 at the disposal of the Law Department of Yale.

Meanwhile the Moot Courts took on new life and interest. The Kent Club, for cultivating skill in debate, greatly increased in numbers and enthusiasm. In all directions there were most gratifying indications of healthy and hopeful progress.

On the 24th of June, 1874, occurred, in the Center Church, the semi-centennial anniversary of the School, Honorable Morrison R. Waite, LL.D., Chief Justice of the Supreme Court of the United States, presiding, with a historical discourse by ex-President Woolsey and an oration by Honorable Edwards Pierrepont, LL.D. From this date, our Commencement exercises
A Retrospect.

consisted of speaking in competition for the Townsend prize and an oration pronounced by some man prominent in the public eye as judge, statesman, educator or lawyer.

The following figures will serve to show the steady growth of the School. During the decade preceding 1870, when the first class graduated under the new regime, the number graduating was 80. In the following decade it was 168. In the second decade thereafter, it was 311. In the third decade, 607. The first degree of M.L. was conferred in 1875, and the first degree of B.C.L. in 1878.

The records of the class of 1875, numbering seventeen at the time of its graduation, well illustrate the improvement in the quality of the School since the year 1869. One member is President of the Bar Association of Pennsylvania, another is Judge of the District Court of the United States, another is a Justice of the Supreme Court of Errors of the State of Connecticut, another has been Governor of Colorado, another is Judge of the Supreme Court of Baltimore, another has been recently re-elected, by a largely increased majority, Mayor of the City of New Haven; another, at the time of his death (1898), had been for years School Fund Commissioner for Connecticut; another was, for two years, Mayor of the City of Waterbury, Conn.; another was Judge of a District Court in Maine. Others achieved marked professional success.

In 1881, the school was enriched by the accession of Honorable E. J. Phelps, LL.D., to fill the chair of Equity. Easily one of the leaders of the American Bar, an accomplished diplomatist, of wide and generous culture, most winning and gracious in manners, yet with the dignity and repose of bearing which belongs to the best breeding, by his crystal clearness of statement and his wealth of illustration expressed in choicest English, he was not only an admirable lecturer, but, in every way, a model for the close imitation of the student of law.

From 1881 to 1900—barring four years when he represented his country at the Court of St. James and his term of service as counsel for the United States Government before the Court of Arbitration in the Bering Sea controversy—we had the benefit of his unequalled capacity as an instructor and enjoyed the charm of his rare social gifts. His death in 1900 was the severest blow the School has received since its renaissance. The professorship which bears his name, endowed at his instance by Junius S. Morgan and J. Pierpont Morgan, will be a perpetual reminder of his thoughtful devotion to the interests of the School.

In April, 1889, the Misses Robinson of Hartford endowed a Storrs Lecture-ship to commemorate the connection of their uncle, Honorable W. L. Storrs, LL.D., with the Faculty of the School. The income from his fund has enabled us to secure as lecturers, year by year, some of the ablest jurists in the country and abroad.

About this time the Wayland prizes ($50, $30 and $20) were established for those three members of the Yale Kent Club who, at a public competitive debate, should be pronounced first, second and third in excellence as debaters. A peculiarity about this event is that the competitors who have been selected from all the candidates, at a preliminary trial, do not know until a few hours before the final debate in what order they will speak or which side of the question they will maintain. This is decided by lot.

In Dr. Woolsey's "Historical Discourse," delivered at our Semi-Centennial Anniversary in 1874, occurs the following passage: "I must aver the opinion that if the school should be greatly enlarged and be put upon a permanent basis of strength, increased accommodation, somewhere in a central spot not far from the courts, would be found essential."

In the early part of the year 1891, the Governing Board of the School came to the conclusion that the time had come to arrange for a building of our own, adapted to our existing and prospective means. Thereupon, it remained to assure the Corporation of the University that if they would furnish a desirable site, we would engage that funds should be forthcoming for the erection of a suitable building. The Corporation promptly acceded to our request and in June, 1891, purchased a lot on the north side of Elm street, fronting the Green and midway between Temple and College streets.

An appeal to the Alumni and friends of the University and of the Law School for subscriptions to the building fund met with a speedy and liberal response. One of the most agreeable incidents of this feature of our work was the readiness with which the business men of New Haven rallied to the relief of a purely professional school. They might have said, and not without some slight show of reason: "We are already cursed with a congestion of lawyers and do not care to aid in increasing the number." On the contrary, they said in effect: "If we must have lawyers let them be of the best, well equipped for their work and taught, above all, to be honorable and high-minded gentlemen." It is most gratifying to me to remember that in several cases they gave two or three times and in one instance, five times as much as was asked.

Our first substantial encouragement came from J. W. Hendrie of the class of 1851. I well recall the day when, accompanied by his classmate, the Rev. Dr. Munger, I called upon him to solicit his aid. He heard our presentation of our case without comment or question, and replied: "I will give you $5,000; you shall have my check for that sum before you go." The entire amount given by Mr. Hendrie reached the sum of $65,000. Dying in 1900, he did not live to see the completion of the building, but the name of "Hendrie Hall," which
it bears, will perpetuate to future generations of Alumni the memory of his munificence.

The next largest contribution—$15,000—was from Henry Fowler English (Y. 11 S. 1874), whose father, ex-Governor English, had in 1873, established a library fund of $10,000. His full length portrait, painted by Jared Flagg, occupies the place of honor in the library which owes so much to his generosity. Other subscriptions ranged from $10 from a struggling young attorney, to $5,000 from a well-filled purse.

As far as the largest part of the building fund was only to be secured by personal appeal and, as a rule, in comparatively small sums, we did not feel justified in breaking ground until we were fairly confident of success. And even then we were compelled to consider our immediate needs rather than our wishes. Therefore, we contented ourselves, for a time, with the erection of the rear portion of the proposed building. This would give us four recitation rooms, admirably lighted and ventilated, offices for the Dean and several members of the Faculty, a fireproof library, quarters for the Yale Law Journal, a room for study and a lounging room, with lockers and a lavatory.

Ground was broken in the spring of 1894, and the building was completed early in 1895. In the spring of that year we moved into our new abode. At last, we had a dignified home of our own, arranged according to our own ideas of what we most required. But we still felt—and the unfinished building emphasized the feeling—a sense of incompleteness. The architects' sketch of the front elevation conspicuously displayed on our staircase, was an ever present reminder of the goal of our ambition. And so the campaign for contributions was continued with cheering but not very rapid results. Any scruples of the Corporation about contracting for the building arising from doubts as to our money-getting ability were set at rest by a written guarantee signed by our Governing Board, pledging ourselves to make good any deficiency.

Under these circumstances, we began the work which was to crown our completed Law School. The plan contemplated offices for the Dean and Registrar, a large recitation room on the first floor, a recitation room and auditorium on the second floor, the latter seating about 600 and designed for our Commencement exercises and other public occasions. Above this was a large room providing ample accommodations for examinations and the extension of our library.

The first public use of our auditorium was on the occasion of the celebration—February 4, 1901—under the auspices of the Connecticut Bar Association and Yale Law School, of "John Marshall Day," when a representative audience filled the hall to listen to addresses by Honorable Charles E. Perkins of Hartford, President of the Connecticut Bar Association; Honorable N. Shipman, LL.D., of the Circuit Court of the United States, and Honorable S. E. Baldwin, LL.D., of the Supreme Court of Errors of Connecticut and of the Law School. His Excellency, Governor McLean, presided. A reception followed in the room above. This we considered a fitting dedication of the new building.

Let me here record the latest step in the onward progress of the School. The true university idea of inter-department work has recently been recognized and Academic Seniors are now permitted to take six hours of electives per week in the Law School. The fact that between 80 and 90 Seniors are availing themselves of this opportunity shows that the privilege is appreciated.

Too much praise cannot be awarded to our architects, Cady, Bergh & See of New York City, for their share—and it was a very large one—of the work which has now reached its completion. They had grasped the idea of what a Law School building should be in its details as well as in its general scope, while the unique beauty of the front elevation need not fear comparison with any structure on or near the University campus.

To William W. Farnam, Esq., Treasurer of the University, from 1888 to 1899, and to Morris Frank Tyler, Esq., Treasurer since 1899, our grateful acknowledgments are due for constant encouragement and opportune assistance. Their advice, at various critical junctures in our work, was most valuable and always cheerfully given.

I cannot close this brief and unsatisfactory retrospect of my connection with Yale Law School without most heartily testifying to the kind and considerate treatment I have invariably received at the hands of my associates, to their readiness to relieve me of the work of instruction whenever it seemed necessary that I should pursue the less agreeable labors of soliciting, and to their cordial co-operation with me in all that promised to promote the welfare of the School. It is with a saddened heart that I extend to them an affectionate farewell.

Francis Wayland.
hand, the professional student must needs take a more serious view of his life than the average undergraduate does. He works with bread and butter in view. No faculty stands over him loco parentis; his choice of a profession may turn out mistaken; hard and constant labor is the only secret of success. And so if self interest and self respect cease to stimulate, if health or money or inclination fail, there is no protecting power to shield from the inevitable consequences. The seed falls upon stony ground or among thorns and brings forth no fruit.

Now it is not probable that the part which a man plays in the University when engaged in professional study, is almost in inverse ratio to his conspicuousness in the merely social life of the University. He has not time to be widely known. Some specialty he may have, intellectual or athletic, to which all his spare time is given. For the rest, law or theology or medicine is an exacting mistress. There must be devotion or disaster. There is here no opportunity to taste the mere pleasures of the academic life, to drift easily along among the moderately idle. On the contrary, the man who works strenuously at his profession, will work strenuously at whatever else he has time to turn his hand to also. If he writes or debates or runs or rows, he does that, too, with all his might. And so we expect the comparatively few who have time and taste for a double life, to succeed on both sides of it. How true this rule holds is shown by the records of our Department. Perhaps it is a fair inference that the more this professional spirit extends to the University at large, the better it will be for all its varied interests. However this may be, we can fairly say that when once the weeding out process is over, when once those who lack seriousness or who have mistaken their vocation drop out, the remnant true and tried, in whatever they undertake can be relied upon for loyalty and for service. Thus we come back to the earlier statement, that the real place of a department in the University will be governed by the point of view of its members. Fidelity within the department means fidelity outside of it, in whatever activities they engage. A man will be all earnest or all idle. The same fountain cannot bring forth sweet water and bitter.

Departmental unity is a plant of slow growth, partly because of this very individualism, partly because of the varied elements which go to make it up. Here in our own school are men from many colleges, to each of which their affections go out. Here are men with no college antecedents but with a great ambition to excel, and who often do excel, in spite of this. Seven races or more are represented here. It is new work to most of us, not a continuation of work on old lines. These are additional reasons why the first year is a critical period. Men must not only learn to know themselves but to know one another. Until this double knowledge brings about unity, a department can not greatly influence the university of which it is a part. But given homogeneity and
earnestness and a guiding spirit of honor, then indeed the higher influence of
a department, its influence in raising the standard of work in the university
can hardly be overestimated.

In other matters, too, an interval of probation is desirable before expecting
of professional students full consciousness of their obligations to the University,
or granting them its full privileges. Let me illustrate this point by what
seems like an unfair discrimination against such a department as ours, in the
new athletic agreement with Harvard. No law student, not holding a degree
from Yale, may play on a University team until after a year of residence. The
argument was as follows: Only those enrolled in good faith for serious study
are wanted. In professional schools there are no such daily tests of bona-fides
and of success as in the early years of the undergraduate departments. There-
fore a year of probation is required, with its examinations at the end, to serve
as a guaranty. The rule is not a reflection upon any department. It is not in
conflict with the desirable unification of the interests of all departments. It is
merely the result, the necessary result, of a different method of teaching. Som-
ewhat different, but I think equally reasonable, is the Faculty rule that no Law
School teams shall be allowed to play out-of-town games. With reasonable
inter-department athletics the faculty is in full sympathy. This involves rational
exercise, acquaintance with men in other departments, the sense of University
unity. But into the wider field of competition, with other schools and outside
teams, the members of a professional school cannot afford to enter. They have
not the time, nor should they have the disposition. They are embarked in too
serious a business.

In the intellectual life of the University, at least on those lines which
are germane to their own work and development, the students of this school
have borne a prominent and honorable part. No other Department has won
the principal literary prize open to the whole University, the John A. Porter
prize, so often. In intercollegiate debates, law students are usually to be found
on our teams. Our own contests within the school are creditably fought and
won. The Law Journal, conducted by our own students, is honorable to them
and to the University. Yet even along these lines, our exacting mistress, the
law, discourages many who are capable. For she would be first. When her
claims are satisfied there is often neither time nor strength left.

I should sum up the place of this school in the University life, then, as
limited in opportunity. Socially, there is too much individualism for prominence;
athletically there is too little time; intellectually, there is too great absorption
elsewhere. The highly conspicuous and important place which various of our
students have won in the eyes of the University is logically exceptional. For

the great majority, growth, reputation, influence, are and should be school bred,
not University bred. By devotion to the work of the department, by absorption
in its interests, by loyally building up the idea of departmental unity out of
elements which at first appear incongruous, and, whether in working hours or
those given to pleasure, by setting to all the example of courtesy and honorable
dealing, thus and only thus does one department genuinely influence others
and elevate the academic life.

Theodore S. Woolsey.
Yale Ideals and Law School

1911 SHINGLE

By WILLIAM R. VANCE

The recent action of the Corporation of Yale University in raising the requirements for admission to the Yale Law School from two years of college work to the completion of a course in a recognized college, is now well known to Yale graduates and Yale students. To the casual reader this action by the Corporation seems but the placing of another and higher bar, closing the avenue of opportunity and progress to the aspiring young man who wishes to emulate those numerous great men who have risen from the humblest beginnings, with the slenderest educational opportunities, to usefulness, fame, and wealth at the bar. It is probable that many will think that this apparent closing of the door of opportunity to the poor young man who was not fortunate enough to be able to secure a college education, is opposed to the democratic spirit for which Yale has so proudly stood during the whole of her history. It is, no doubt, true that such a mistaken view has caused the action of the Corporation to be severely condemned in some quarters. In fact, however, the significance of the change in these requirements is very different from and far deeper than is understood by these unthinking critics. It is highly important that Yale students and Yale graduates should thoroughly understand the true significance of the policy that lies behind these changes that render the avenue of approach to the bar so much longer and steeper.

Without delaying to note the successive stages of the development of legal education in the United States from the days of Patrick Henry and John Marshall, when the youthful candidate for honors in the law was admitted to the bar after three months of reading Blackstone in the office of some friendly attorney, down to the present day with its highly organized institutional system of instruction in the law, it is sufficient to observe that at the present time the many law schools in the United States fall roughly into two great classes. One class is made up of those law schools in which instruction is given, for the most part, at night, after the instructors have finished the arduous labors of the day on the bench or at the bar, and the students have completed the day's work which secures to them a livelihood. Those schools depend for their support wholly upon the tuition fees paid by their students, and their function is frankly limited to preparing the young men that attend upon their instruction to pass the local bar examination as a first step towards gaining a livelihood at the bar. The second class embraces those schools that form organic parts of universities supported either by the state or by private endowment. Some of these schools are also dependent for their support upon tuition fees received, but most of them have supplementary means of support either from state appropriations or the income of endowment funds. Schools of this latter class almost without exception hold their exercises throughout the day, and students are expected to give to their legal studies substantially all of their time and energy, any other employments, occasionally engaged in, being essentially incidental. The teachers, also, for the most part, have withdrawn from active practice and devote their undivided attention and interest to the problems of legal education. In many of these schools, however, the policy of keeping the law school in close touch with the actual administration of the law is furthered by including in the faculty a certain number of lawyers in active practice.

The function of the university law school is far different from that of the commercial night school. It has not done its duty when it has fitted a student for admission to the bar and to make a living in the law. It owes far more to the state, whose agency it is, or to the public which has endowed it. The public naturally looks to such schools to train young men for useful and efficient service to society in the administration of the law. In performing this function it is unquestionably the first duty of the law school to qualify the students for admission to the bar. Its graduates certainly cannot render useful service at the bar unless they are well instructed and trained in the technical science of the law. But for the university law school this technical training, that qualifies a man to practice law, is but the first step. One need not go back a half dozen years to find a score of conspicuous illustrations of the fact that a man may be a highly efficient technical practitioner of the law and yet by no means useful as a citizen. There have even been examples where a skillful lawyer, so far from being a useful citizen, has become so dangerous to society as to necessitate his being put in restraint behind prison bars. A right conception of the duties of citizenship and lofty ideals in the administration of law are of far greater importance to the state than technical proficiency in the art of practicing law, however important that may be.

Despite the plaints occasionally heard to the effect that lawyers no longer are the leaders of the community, as is alleged to have been the case in the good old days of our forefathers, the fact remains indisputable that to the legal profession is entrusted the most important service capable of being rendered to society, the making and administering of the law.
Dean Wayland.

By Simeon Baldwin

The Yale Law School's Growth and Changes Under His Leadership.

Professor Wayland, whose resignation as Dean of the Law Faculty was accepted on March 9, has occupied that position for thirty years. He was graduated at Brown University in 1846, studied law at the Harvard Law School, was a practicing lawyer in Worcester, Massachusetts, from 1850 to 1858, and in New Haven from 1858 to 1872, during which latter period he was Judge of Probate for the District of New Haven, and Lieutenant-Governor of the State.

In 1869, Judge Dutton, the Kent Professor of Law in the University and the only instructor in the Law School, died, and his place was taken temporarily, first, during his last sickness, by Simeon E. Baldwin, and then by the late Judge Edward I. Sanford. At the beginning of the next college year, three instructors were appointed to take charge of the School, Mr. Baldwin, the late Johnson T. Platt, and Judge William C. Robinson, now Dean of the Department of Social Science in the Catholic University of America. The latter was chosen the first Dean of the Law Faculty, holding that position for two years, when he resigned it in order to devote his time more fully to the work of instruction, and Judge Wayland became his successor.

At this time the School occupied apartments over what is now Heublein's Café, on the corner of Church and Court Streets. The library was a meagre one, the only outside gift of any importance for fifteen years having been one of $250, made in 1870 by the late Judge William Walter Phelps (Yale '60) to fill up the set of the reports of the Supreme Court of the United States. Dean Wayland at once set himself to the task of enlarging the collection, and during 1873 raised nearly $20,000 for this purpose. This made it one of the best law libraries then existing in the country, and an offer of a share in its use to the Judges and the bar, if the School could be suitably housed in the new County Court House, the erection of which was then in contemplation, was favorably received. The result was that in 1874 the School was transferred to the third floor of the Court House building, where it had what for the time were ample and satisfactory accommodations.

Meanwhile the number of students, which had sunk to seventeen during the last year of Judge Dutton's life, had steadily and largely increased. The four members of the Faculty had been appointed to professorships, Judge Wayland taking that of Mercantile Law and Evidence. New branches of instruction and new instructors had been added. International Law was taught by President Woolsey, Roman Law first by Professor James Hadley and after his death by Professor Baldwin, Insurance Law by Judge McCurdy, Forensic Eloquence by Professor Hoppin, Ecclesiastical Law by Rev. Dr. Leonard Bacon, and Patents by Frederick H. Betts, Esq., of the New York bar. A demand was soon shown for further and advanced instruction in the higher branches of legal science. In 1875 a class of three was made up for this purpose, one of whom is now a Judge of the Supreme Court of Baltimore, and another is President of the State Bar Association of Pennsylvania. The result was the establishment in 1876 of a regular graduate course—the first in any English or American Law School, leading up to the degrees of M.L. and D.C.L.

About ten years ago the School outgrew its accommodations in the Court House. The University offered to buy a suitable lot, if the Law Faculty could provide the means to put up a suitable building. Dean Wayland undertook this task, and succeeded, raising about $125,000 for this purpose, and being one of a few who, besides having been contributors to the fund personally, guaranteed the payment of the last $12,000 due to the contractors, should the full amount necessary not be subscribed.

During his connection with the Law Faculty the regular term of undergraduate study at the Law School has been lengthened to three years; the standard for admission has been raised; the courses of instruction greatly multiplied and extended; permanent endowments provided for three of the ten professorships and for one lectureship; and the number of students increased to over 250, aside from an elective class of over eighty College Seniors, who have been admitted to some of the exercises of the Law School Juniors and will, next year, be allowed to attend still more of them.

Dean Wayland has always taken a strong interest in the Social Sciences. Since 1872 he has been the President of the Connecticut Prison Association; since 1878, of the Organized Charities Association of New Haven; and for two years he was the President of the American Social Science Association. Of late, his only instruction in the School has been in English Constitutional Law, of which he has now been appointed Professor Emeritus.

Simeon E. Baldwin.
While in our legislative bodies are to be found law-makers drawn from other professions, it is nevertheless true, and will always remain true, that the work of law-making falls upon the lawyers just as truly as does the work of administering the laws when made. If this paramount work is done well, it is well for society, but if it is done ill, clouds of distrust, class hatred, social unrest and even revolution may gather and burst. In modern times social forces have grown at the same stupendous rate as the marvelous industrial forces which make us shudder even while we contemplate them with wonder. Society, with its voice, public opinion, has acquired a dynamic quality impossible before the time of electric communication. Social conditions and the interplay of economic forces have become so complex and confusing that there is need, as never before in the history of the world, of law-makers and law-administrators with open eyes to see, with wide perspective of knowledge to understand, and with well trained intellects and lofty ideals to judge soundly and honestly. In short, if the lawyer of the next generation is to measure up to the demands of his high calling, and render successfully to society that service which he alone can perform, he must be a man of broad education, of trained intellect, of wide sympathy, and of the loftiest conception of the duties and responsibilities of citizenship—and, in addition, he must be expert in his knowledge of the art and the science of the law as administered in the courts. Yale University has deserved well of the public, for she has given many of her sons who have served society nobly. It is incumbent upon the Yale Law School, in harmony with the great traditions of Yale University, to do its full part in equipping its graduates for the difficult and important service which the day demands of the legal profession. A right perspective, which goes with liberal culture and a wide knowledge of human affairs, is indispensable to the development of the highest type of lawyer. This perspective a man may gain as Lincoln did, and as Grover Cleveland did, without ever being within a college classroom. Furthermore, it is quite possible for a man to emerge from four years of college life bearing a diploma with him without having ever secured the perspective that is needed. But all institutions that deal with many men during a long period of time, are compelled to look to the average member of a class; and the law of average is inexorable. On the average the winning of a college degree is the most satisfactory guaranty that a young man has the liberal culture and extended information that are so necessary to fit him to receive that kind of technical training that will qualify him to render acceptable service in the profession of the law. The public is clamoring for lawyers of the highest type. The Yale Law School aspires to graduate men qualified to respond to the call of their time.
Historical Statement

By HENRY WADE ROGERS, LL. D.

In the Shingle of 1909 there was published an Historical Statement of the Law School, which I prepared for that publication. The editors of this year's Shingle have informed me that they desire to republish my former article, and they have asked me whether I have any objections to their doing so, and if I have not, have requested that I add whatever I thought desirable to bring this Historical Statement down to the present year.

That which follows is therefore the article of 1909, with such slight additions as it seems desirable to make:

There has been a more or less prevalent impression that the Yale Law School was in some way derived from the famous old law school established at Litchfield, Connecticut. That impression is altogether erroneous. There was never the slightest connection between the two schools. The Litchfield School was established in 1782, and was the first law school to be opened in this country. For a number of years it was the only law school existing in any English-speaking country, the Inns of Court not being regarded in any proper sense as being at that time schools of law. The Yale Law School is generally regarded as dating from 1824. At that time the Litchfield School was still in existence and instruction continued to be given there as late as 1833, although the number of students then in attendance was quite small. It never granted degrees, and, indeed, was never incorporated. But its fame had attracted students from every state in the Union and more than a thousand students received instruction during the years in which it was maintained. It had its largest entering class in 1813, when fifty-five entered the school.

The origin of the Yale Law School is to be traced to a private school established in New Haven by Seth P. Staples, a graduate of Yale College, in the class of 1797, and who later removed to New York City, where he was a leading member of the bar. For several years before his removal from New Haven, which occurred in 1824, he had been engaged in giving instruction to law students, who came to his house for the purpose. It is said that he was in the habit of giving his instruction before breakfast. Tradition has it that the students sometimes reached the house before the instructor had left his bed-chamber, and that they awaited "patiently" his appearance. His house stood on Temple Street where the house of Ezekiel G.
had been a United States Senator, and afterward became Chief Justice of the Connecticut Supreme Court. Leonard M. Daggett, the former instructor in wills, is a great-grandson of the Chief Justice. The school was being so satisfactorily conducted that the authorities of Yale in 1824 printed the names of the instructors and of the students in the catalogue of Yale College, thus recognizing it as a department.

This was not, however, the first recognition given by Yale to the study of law. During the administration of the first President Dwight, who was president from 1705 to 1817, a professorship of law in Yale College had been established as early as 1801, and Hon. Elizur Goodrich had been appointed to the chair. But it was not at that time the intention to prepare students for admission to the bar. President Dwight’s plan was simply to provide occasional lectures on law for the benefit of the undergraduates in the college. It was a recognition of the fact that some knowledge of the law was a desirable part of the education of a gentleman and that law was a suitable culture study. While the school was adopted as a Department of Law by publishing it as such in the official catalogue in 1824, and in the subsequent years, it was still in reality a private institution, and it was not until 1843 that it so far lost its private character that the Yale Corporation consented to confer the degree of LL.B. on its graduates. At Harvard degrees in law were conferred as early as 1820, but they were granted without examination until 1871. But at Yale, the law degree seems to have been granted from the first only upon examination. The Medical School had been established at Yale in 1813 and degrees in medicine were granted in 1814. Degrees were not granted to the graduates of the Divinity School until 1867, although a Department of Theology was organized as early as 1822. The reason degrees were not granted earlier to the graduates of the Divinity School at Yale lies in the fact that it was not customary in this country to grant degrees to graduates from theological schools, the practice of doing so having grown up in comparatively recent years, although they were granted at Harvard as early as 1817. The number of law degrees conferred upon examination at Yale is 2,334. In 1843, when law degrees were conferred, the school was still small, the attendance being only forty-four. The granting of degrees did not seem to have any effect in increasing the number of the law students. It was not until 1875 that the school ever had as large a class as the old Litchfield Law School had in 1813. The instructors were men of distinction and ability, and in 1843 the school was well conducted and had an enviable reputation.
for those times. But in 1845 Judge Hitchcock died, and in 1847 Professor Townsend died, and in the same year Judge Daggett retired on account of his advanced age, and Chief Justice Sturts was compelled by professional duties to resign his professorship. Able and distinguished men were appointed to fill the vacancies. Hon. Clark Bissell, who at the time was governor of the state, was added to the faculty, and Henry Dutton, who became governor in 1854 and a judge of the Supreme Court in 1861, was also appointed to a professorship. Professor George D. Watrous is a grandson of Governor Dutton. Notwithstanding the ability of Governor Bissell and Governor Dutton, the attendance instead of increasing kept diminishing, and while in 1846 it had amounted to fifty-two, in 1861 it was only twenty-eight, and in 1867 it was but sixteen. We are told that the school "fell into a depressed condition," and the figures seem to afford an abundant justification for the statements. The explanation is to be found in the fact that the instructors were so occupied by their professional and official duties that they could not give to the affairs of the school and to the work of instruction the necessary attention to make it a success. In the later years their advanced age and impaired strength made it impossible for them to give to the work the requisite vigor and energy.

In 1869 the fortunes of the school had sunk so low that there was rumor to the effect that the school would be dropped by the University. "Without funds, without teachers, and almost without pupils; it seemed as if its hour, indeed, had come." In this sad condition of affairs three members of the New Haven Bar came to the rescue. Mr. Simeon E. Baldwin, afterwards Chief Justice and now Governor of the State, Mr. William C. Robinson and Mr. Johnson T. Platt proposed to President Woolsey to carry forward the work of instruction at their own risk. The offer was accepted by the University and the fate of the school was entrusted to their hands. They entered on their duties in the fall of 1869. In his address commemorative of Dean Wayland which Professor Robinson, now dean of the Law School of the Catholic University of America, delivered in 1904, this matter is referred to in the following interesting manner:

"To any but three sanguine youths, with an ardent love for their profession, the prospect would have been discouraging. There was no money, not even to pay for necessary advertising. The assets of the school consisted of a small library of valuable but antiquated books, a dozen dilapidated chairs, an old desk, and a capacious stove whose genial warmth in winter consoled the heels which rested on its girdle. Its lecture hall was a desolate chamber over a saloon where, as a relief in too absorbing studies, the three receptive senses were regaled with glimpses of the guests at the Tontine, with the howls of captive maniacs in the police jail, and with the smell of odorous cooking from the vaults below. This was small capital for so great an enterprise. But with three students already on the ground, with the great reputation which the school had gained during its fourscore years, and with the magic name of Yale to conjure by, we could not despair. With what means we could command, the school was advertised. The curriculum was remodelled and enlarged. The number of daily exercises was doubled. Eminent lecturers were employed to give instruction upon special subjects. Students were held up to a rigid fulfillment of their scholastic duties. And when we counted up results in 1872 we found that we had gathered more than fifty scholars, of whom twenty-five had been completely trained and graduated and admitted to the Bar. We were astonished at our own success; and we saw then what others since have seen, that if you plant but a dry chip from one of Eli's ancient elms, and water it and nurse it well, it will grow up into a vigorous and fruitful tree."
The reluctance of the Corporation to support the Law School from the funds of the University was not peculiar to Yale. When the Harvard Law School was established the compensation of the professors originally consisted of the tuition fees paid by the students. A like policy was pursued at Columbia, and Theodore W. Dwight was placed in charge under a contract which gave him the tuition fees. When he was making many thousands of dollars and the school had become firmly established, the contract was terminated and he was placed upon a salary. Fortunately for the cause of legal education, and of professional education in general, the attitude of the universities toward professional schools has radically changed in recent years.

As early as 1842 the Law School was established in the Leffingwell Building on Church Street above Heublein's Café, in the two rear rooms of that building. The exact date when the school was moved to that building I am unable to state. But Mr. Frederick S. Kingsbury, formerly of Waterbury but recently deceased, who was a student in the school in 1842, once wrote me that when he was in the school it was housed in that building. These accommodations Dean Wayland has described as follows: “The larger apartment was at once a library, a recitation, conversation and lounging room. In the intervals between recitations, it is alleged to have been at times the scene of much athletic activity. It was heated by a good-sized stove, around which was an ample box filled with sand designed to receive frequent expectorations of the faithful few who worshipped at the shrine of Themis.”

“On one side of the room was a dais supporting the desk, behind which the instructor (the use of the singular number is intentional) surveyed with a somewhat saddened expression his little band of listeners. * * * A small adjoining room served as a retreat for the instructor and sheltered the librarian.” We are left to our own inferences as to what occasioned “the saddened expression” of the instructor.

The school continued to occupy the Leffingwell Building until the spring of 1873, when its quarters were removed to the County Court House, the third story of that building having been placed at the disposal of the school. This provided ample accommodations at the time and afforded recitation rooms, a room for the library and an office for the dean. The rooms were lighted and heated and cared for at the expense of the county. The school, as some return to the county for this generosity, granted the free use of its library to the courts and the members of the Bar. Dean Wayland is authority for the statement that “at times, the noise made by the students in their rapid climb to reach the recitation room in season for the eagerly awaited exercise provoked an animated protest from the sheriff, whose duty it was to protect the court from annoyance.” It is at least gratifying to know that such disorder as existed was occasioned by the eagerness of the student body to get to their recitation room and not after recitation was finished by their eagerness to escape from it. For more than twenty years the school continued to occupy the Court House.

But the time had come for the Law School to have a building of its own. In the spring of 1894 ground was broken for the erection of Hendrie Hall. The rear portion of the building was erected and so far completed that in the spring of 1895 the school was moved into it. Lack of funds prevented at that time the erection of the front portion of the edifice, and that was not added until 1900, it being ready for occupancy in September of that year. The building was named after J. W. Hendrie, a graduate of Yale College of the class of 1851, who was the largest contributor to the fund raised for its erection, his contribution amounting to $65,000. He was not a lawyer, but a successful merchant, living at Sound Beach, Connecticut, and he died before the building was completed. The building is not only a monument to his generosity and loyalty to Yale, but it is also one to the faithful labors and devotion of Dean Wayland, who raised $125,000 for the building, the University having provided the site in 1891. It is not an easy task to raise such an amount for such a purpose and Dean Wayland rendered the school a great service in carrying through the undertaking. For there can be no doubt that the new building has been of very great advantage to the school in many ways, and has contributed much to its present prosperity. The auditorium in Hendrie Hall was first publicly used on February 4, 1901, exactly one hundred years to a day from the time John Marshall took his seat as Chief Justice of the Supreme Court of the United States. “John Marshall Day” was observed and his memory honored by a meeting held that day in the auditorium under the joint auspices of the Yale Law School and the Connecticut Bar Association. Nothing could have been more appropriate than to use the hall for the first time to commemorate the one hundredth anniversary of the accession to the Bench of the greatest of American judges and one of the greatest judges of all time. A number of Yale men have adorned the Supreme Court of the United States, and one of them, Morrison R. Waite, of the class of 1837, became Chief Justice. But, unfortunately, he was not a graduate of the Yale Law School, nor of any law school. Let us hope that some day a Yale Law School man may become Chief Justice. Yale College is a good
many years older than the Yale Law School, and in 1909 a graduate of the College for the first time attained the Presidency. In time a Yale Law School man will reach the Chief Justiceship. Will he be a member of the class of 1911?

As respects the growth of the Law School in numbers, it is noteworthy not only that the proportional gain made by the School in the ten years beginning with the year 1899-00 has been greater than that made by any of the other departments of the university, but that it has exceeded by not less than 30 per cent the gain made by the school having the next highest increase. During the decade most of the departments made some gain, as appears from the following table:

<table>
<thead>
<tr>
<th>Department</th>
<th>1908-09</th>
<th>1899-00</th>
<th>Gain</th>
</tr>
</thead>
<tbody>
<tr>
<td>Law School</td>
<td>434</td>
<td>195</td>
<td>123</td>
</tr>
<tr>
<td>Sheffield</td>
<td>953</td>
<td>495</td>
<td>458</td>
</tr>
<tr>
<td>Graduate</td>
<td>322</td>
<td>237</td>
<td>85</td>
</tr>
<tr>
<td>Divinity</td>
<td>166</td>
<td>100</td>
<td>66</td>
</tr>
<tr>
<td>Academic</td>
<td>1,273</td>
<td>1,224</td>
<td>47</td>
</tr>
<tr>
<td>Medical</td>
<td>140</td>
<td>135</td>
<td>5</td>
</tr>
</tbody>
</table>

The Forest School is omitted from the table as it was not established until 1901, and the Art School and the Music School are omitted as they have made no gain. In the table the number of students regularly enrolled in one department and pursuing special work in another department has not been counted in the department in which such special work has been pursued. As academic students are allowed to take work in the Law School and credit it on the A.B. degree to the amount of fourteen hours, it may be proper to take account of them in an enumeration of the number of students under instruction. Counting all students under instruction in the Academic, Sheffield Scientific School and in the Law School, it appears that the increase during the decade in the Law School has been 629 per cent, in Sheffield 162 per cent, and in the college 28 per cent.

The period chosen for comparison in the above table is the same as in the Shingle of 1909. It seems proper not to change the period of comparison to that of any year subsequent to 1909, when a most serious change was made in admission requirements.

An examination of the catalogues shows that the school was sixty-four years old before it had one hundred students. In 1888-89 the attendance reached 106. It would be an unjust inference, however, to conclude from these figures that the school was unimportant and without reputation. The Harvard Law School, which was older than the one at Yale, only had in 1869-70 one hundred and fifteen students. The great increase in numbers in both schools has come in recent years. In 1895-96 the number at the Yale School increased to 224, but steadily declined each year thereafter until 1900, when it reached 213, increasing to 249 in 1901-02.

In 1869, when the reorganization of the school was made, the total attendance was only eighteen, and in the next ten years it increased to seventy-four, and in the next ten years to one hundred and six. The catalogue for 1869-70 first lists the students in the Law School by classes and shows that there were six seniors and twelve juniors.
If the attendance of students was small for many years, so was the faculty. In the catalogue of 1825 appears the statement that "the faculty of the department consists of the president and a law professor, the Hon. Henry Dutton, LL.D." And that statement continued to appear until the reorganization in 1869.

The increase in the attendance during the decade mentioned above has been attained notwithstanding a very material advance in tuition charges as well as some advance in the admission requirements, and a very notable advance in the standard of work exacted of the student body. In the year 1907-1908 fifty students failed to pass their examinations and were dropped, and while the number who met this fate was greater in that year than in any previous year, there has been a constant sifting process which has eliminated the unworthy.

The Yale catalogue of 1826 contains the first mention of the law library. It states that the students have access "at all times to a library comprising every important work, both ancient and modern." The writer has no knowledge of what became of that wonderful library, and he does not know where it was housed or how many volumes it contained. He is certain, however, that it was never the property either of the Law School or of the University. The statement was probably not without some justification. Mr. Seth P. Staples, to whom reference has already been made, is said to have had the best law library in New England. Whether it was the best or not, it certainly was for that day a very valuable and remarkable collection. But Mr. Staples removed from New Haven to New York in 1824 and he probably took his law library with him. The statement in the catalogue of 1826 can hardly refer to his collection. Judge Daggett, who was one of the professors, is said also to have had an excellent library, and the students in the school were allowed to have access to it. This is probably the explanation of the statement which appeared in the catalogue of 1826. But whatever the explanation may be, the fact is that the statement was retained in the Yale catalogues down to the year 1855-56. The catalogue of that year made the more modest statement that the students had access "to a valuable law library." It also added that "the law library contains the Revised Statutes, the Reports and the Digests of all the States in the Union." This last statement made its appearance for the first time in 1843-44.

In the catalogue of 1831-32 another remarkable announcement made its appearance and was continued from year to year until 1838. The statement read that "arrangements are making and nearly completed, by which the students can at all times examine the Statute Laws of each State in the Union, and all the reported cases which have been published in this country." The explanation probably lies in the fact that it was expected that the State Bar Library in the Capitol at Hartford would be removed to the State Capitol at New Haven. But this expectation was doomed to sad disappointment. The union of the New Haven and Connecticut colonies had been reluctantly consented to by the former, and as a measure of conciliation, two capitols were established, one at New Haven and one at Hartford. This arrangement lasted from 1701 until 1873, when Hartford was made the sole capitol. But the State Law Library was always at Hartford, although in the early thirties there was a scheme on foot to remove it to New Haven.
It was not until 1869-70 that the catalogue made any mention of the number of volumes which the Law School Library contained. The statement then made was that the library contained "about 2,000 volumes." Its growth was evidently slow, for in the catalogues of 1871-72 we find it stated that the library contained "over 2,000 volumes." In 1873-74 the announcement read: "The special library of this (law) department has received very large additions, and contains between six and seven thousand volumes, embracing all the United States Reports, both State and Federal, a large proportion of the English Reports and many new and valuable text books. It is expected that before the present year every report in the English language will be found in the library of the school." No doubt that expectation was honestly entertained. It was not, however, realized, and has not yet been realized in the thirty-six years that have since elapsed. The large increase in the library made in 1873 was due to Dean Wayland, who raised $25,000 for this purpose. Governor Baldwin was authority for the statement that the only outside gift for the library of any importance for fifteen years was one made in 1870 by William Walter Phelps (Yale, '69), who had given $250 to fill up the set of the reports of the Supreme Court of the United States. In 1876-77 the announcement read that the library contained "over eight thousand volumes." That announcement continued until 1885-89, when it was changed to read "about nine thousand volumes." This stood unaltered until 1898-99, when the number was stated "at about ten thousand." In 1900 the library contained about 15,000 volumes. It now contains about 33,000 volumes. It has more than doubled, therefore, within the decade.

The purchase of the Cole collection of the Session Laws of the various States and Territories of the United States, which was made in 1907 at a cost of $15,000, was a notable addition and constitutes one of the best collections of its kind in existence. The Wheeler collection on Roman Law is also notable, and there are few collections of its kind which are superior or even equal to it in the United States. The endowment of $25,000 for the maintenance of the Roman Law collection will provide for its increase from year to year. It already contains some 3,400 volumes. The Law Library has now become one of the best in the country.

The prescribing of qualifications governing admission of students to the Law Schools was not customary in the United States until recent years. The Harvard Law School required no examination for admission until 1877. The Yale Law School was equally as dilatory. The early catalogues of the school were silent on the subject, but that of 1874-75 specifically stated that candid.

dates for admission to the junior class were not required to pass any preliminary examination for admission. However, in 1875-76 it was stated that "all who have not taken a degree from some collegiate institution (excluding only attorneys at law) must pass a satisfactory examination in English grammar (including composition and orthography), the history of England and of the United States, and the text of the Constitution of the United States." This was supplemented in 1877-78 with the announcement that the examinations would be conducted in writing, and the style of the composition and orthography in the answer, as written, must be such as to evince a competent knowledge of English. In 1893-94 students were required to pass "satisfactory examinations in Latin, English and American history and English literature. Such a knowledge of these subjects as can be gained from Creighton's Roman History, Green's Short History of the English People, Ridpath's History of the United States, and Shaw's New Manual of English Literature, should be sufficient to qualify the student for the examination. This preliminary examination will also call for a fair knowledge of English grammar and composition, geography, arithmetic and the text of the Constitution of the United States." These requirements were increased in 1898-99 by requiring all applicants to possess "ability to read at sight the Latin of such authors as Caesar or Sallust." In 1902 the requirements were materially increased and applicants were practically required to have an education equivalent to that demanded of those applying for admission to the Sheffield Scientific School. These requirements were again advanced, and beginning with the year 1909-10 all candidates for the LL.B. degree were required to have two years of a college course or the equivalent to be admitted to the school. In 1911 the requirements were once more advanced. The Yale Corporation on February 20th put the Law School on a degree basis. The action then taken provides that the following persons will be admitted as candidates for the degree of Bachelor of Laws:

1. Graduates of colleges of approved standing who present diplomas showing that a degree in Arts, Science or Philosophy has been bestowed upon them.
2. Seniors in Yale College who elect courses in law which may be credited towards the degree of Bachelor of Laws.
3. Persons admitted as special students who at the end of the first year attain a grade of A or B on examination and are advanced as regular students to the Second Year Class. They will be recommended
for a degree provided they maintain such grade throughout the remainder of their course.

The following persons will be admitted as special students:

Those who have never received an academic degree but who have attained the age of twenty-one years and who satisfy the Dean that their character, ability and previous mental training, generally implying at least two years of work of College grade, qualify them to pursue in this school the study of law on an equality with the regular students.

There is now no school in the country the admission requirements of which are in advance of those established here for those who seek the degree of Bachelor of Laws.

In the matter of tuition charges it appears that from the founding of the school down to 1838 the tuition was seventy-five dollars per annum. It was then increased to one hundred dollars, and this was in 1843 reduced to eighty dollars. In 1870 it was fixed at ninety dollars, and this was raised in 1878 once more to one hundred dollars. In 1844 the amount was changed to one hundred and ten dollars, if paid in advance, and otherwise to one hundred and twenty-five dollars. But in 1901 the tuition was fixed at one hundred and fifty dollars, and it has so remained ever since, and without prospect of any immediate change.

For some years students in one class were permitted to attend the exercises of the other class. In the catalogue of 1867-70 is this statement: "Members of either class may attend the exercises of both, and so far as they are able, are recommended to do so." The statement disappeared in 1874-75, and for a number of years students have not been allowed to attend the exercises of a class above them.

The law course from the founding of the school was until 1896 one of two years. In that year the course was extended to three years. But for many years the statement in the catalogue read: "The degree of Bachelor of Laws will be conferred by the President and Fellows on liberally educated students who have been members of the department eighteen months, and have complied with the regulations of the institution and passed a satisfactory examination. Those not liberally educated will be graduated upon similar conditions, after two years' membership; and members of the Bar, after one year's membership subsequent to their admission to the Bar." The expression "liberally educated" meant those who had a degree in arts, science or philosophy. In granting a degree in eighteen months to the "liberally educated" and requiring two years of those not so educated, Yale did not stand alone. At Harvard, until as late as 1870, the law degree was granted to all persons who had been members of the school for eighteen months, or three terms, whether they were liberally educated or not. Yale continued, however, to confer its degree at the end of eighteen months on the liberally educated until 1882.

For some years the final examinations for the law degree were under "the supervision" of an examining committee appointed by the Supreme Court. An announcement to that effect first appears in the catalogue of 1879-80 and it disappears in the catalogue of 1890-91.

The statement that, in cases of students of unusual merit, degrees would be awarded cum laude, magna cum laude, or summa cum laude, first appears in the catalogue in 1882-83.

The Graduate course was established in 1876, and the Yale Law School was the first law school in America to establish a course leading to the degree of Doctor of Civil Law.

The Law School announced for the first time in the catalogue of 1910-11 that it would confer the degree of Doctor of Law (Jr. Dr.). This is a graduate degree. Those only can be admitted as candidates for this degree who have a baccalaureate or higher degree in arts or science or philosophy from a college or university of recognized standing, and who in addition are graduates of some law school which is a member of the Association of American Law Schools, or of a law school in a foreign country, which law school is of recognized standing and requires at least three years of law study as a condition of graduation. Persons having the qualifications above enumerated and who continue the study of law at Yale for one year and pass the examinations required for the degree with distinction will have the degree conferred upon them. But if they pass the examinations only satisfactorily and not with distinction, they will obtain not the degree of Doctor of Law, but that of Master of Laws.

Henry Wade Rogers.