

## YALE IN ITS RELATION TO LAW.

---

DELIVERED IN THE BATTELL CHAPEL, YALE UNIVERSITY,  
OCTOBER 21, 1901.

---

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 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 associates are a continuing force in the lives of most of the 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 the authority of the Governor. 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 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 the 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, 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 the Columbia College. In 1745 was graduated William Smith, son of William Smith of 1719, a partner with Livingston in the practice of law, who with him revised the laws of New York. In his latter 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 advisor 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 latter 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, President 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 three years, Roger Sherman, too, in some degree belongs to Yale College, having been its treasurer for ten years and more. The Constitution, as finally 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 became 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, and governors, as law officers 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 his 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 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 con-

ferred upon its graduates in 1843. In 1847 a new law faculty was appointed, consisting of Governor Bissell and Judge Dutton. After the death of Governor 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 law 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 even 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 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 were 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 the 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 "unequalled power 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."

Gladly would we 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 fullness. 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 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 a 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. From 1784 to 1874, except for about eighteen years, in the aggregate, the chief justice was always a Yale graduate, Huntington, Law, Dyer, Mitchell, Swift, Hosmer, Daggett and others making up the list. 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 1709 (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 Chan-

cellor 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, and 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, Edward 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), of Judges Hobart, Hogeboom 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 Justice 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 locality 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 lead to the impeachment of the President, it was his privilege to appear in his defence 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 employe of Congress, bound to do its bidding, but an independent coördinate 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 chiefly 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 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'Connor, 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, constructing statutes and other writings, settling disputes, giving opinions, supervising the organization and management of corporative and other enterprises. There is no public record of these services, but there is more accomplished 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 to 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 Connecticut, 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 and Jenks. 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 Kirchway at the head of the three schools in New York, and Professor Russell is still at work in one of them. Judge Finch, who has so long and honorably served 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, in these and other places, 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 Hiwaiian 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 idea of civil 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 old 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 been not 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 Legislature, 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 many universities engaged in the same work. In generous rivalry, and 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 possibly 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 to which she is entitled for what she and her sons have done? If this charge is made, let us plead guilty, but stand unrepentent. 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.