



1903

HONORARY DEGREES

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Recommended Citation

HONORARY DEGREES, 12 *YALE L.J.* (1903).

Available at: <https://digitalcommons.law.yale.edu/ylj/vol12/iss8/4>

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HONORARY DEGREES.

The season for harvesting degrees has arrived and the crop this year is said to be large, but the quality not good. The quantity of low grades is abundant and the prices are low, some having been offered at \$10.00 for LL.D.; but sales are private and the number cannot be found in weekly reports. Individual sales, however, of interest are published in the columns of the daily press, and one will suffice for a sample.

The seller is reported to be a "College of Law" at Nashville, Tennessee, teaching by mail and claiming a thousand students. The buyer is reported to be a government official, and the manner of the sale is as follows:

The "Dean" of the College writes to the official that on due examination he has been found to be of undoubted ability and integrity and worthy to receive the degree of LL.D.; that it will be conferred upon him at the next meeting of the Trustees upon the presentation of a proper application and data, concluding with the following:

"Please fill out the enclosed blank application and return it to this office for filing with the papers for the purpose of keeping the records of the College for future reference. Enclose the incidental fee of \$10.00 by return mail to cover expense of diploma. Personal attendance not required."

Later the official is said to have received by express an imitation parchment, elegantly printed, ribboned and sealed, with the signature of the "Dean" of the College and the President and Secretary of the corporation. The recipient was thus duly doctored in the law. More than a score of such diplomas are supposed to have been issued by this one corporation during the past month. If the recipients could all assemble in the City of Nashville at this institution of learning, whose degrees they now wear, they would find that, although it is extensively advertised, even to a greater extent than any other College of Law in America, its entire campus, lecture-halls and library consist of a back office-room on the fourth floor of an obscure building, occupied by the enterprising "Dean," who constitutes the entire visible Board of Trustees and Faculty of this "College of Law."

Upon further search, if they were willing to appear as victims, they would learn that this College had for five years been leading a precarious and peripatetic existence in various cities of the country under different names and in remote places, but always supported by the same strenuous personality who has firm belief in the faith of Phineas T. Barnum, that "the American people like to be humbugged and I will supply their wants."

Further investigation, however, would disclose the fact that these degrees, evidenced by these diplomas, sent out by this industrious individual, are legal degrees conferred by an Institution of Learning, duly organized in accordance with the laws of the State and having all the elements of a valid corporation except probably *bona fides*.

And this brings us to the consideration of the condition of the law in Tennessee, and doubtless in many other States, with regard to degrees granted by Institutions of Learning. The Constitution of the State of Tennessee contains the following declaration: "Knowledge, learning and virtue, being essential to the preservation of republican institutions, and the diffusion of the opportunities and advantages of education throughout the different portions of the state, being highly conducive to the promotion of this end, it shall be the duty of the general assembly in all future periods of this government, to cherish literature and science." In the spirit of this declaration, of course, all legislation is to be construed, for this has been a constitutional provision for more than half a century.

The general corporation law of the State, enacted in 1875, provides that any five or more persons of full age may form a corporation for the purpose of education by copying the form of charter adapted to that purpose, appending a formal application for a charter and signing their names and acknowledging the same before the Clerk of the County Court and causing the same to be registered in the register's office of the County where the principal office of the Company is situated and in the office of the Secretary of State, which registration "completes the formation of the Company as a body politic"; and thereafter the same cannot be collaterally questioned.

The general powers of such corporations are such as pertain to corporations under general laws. The corporation may be chartered and organized either as a private corporation or a corporation for the general welfare and not for profit. If of the

former class, the law declares that the business of said company shall be "to teach any useful profession, trade or art and to give instruction in any branch of learning practical or theoretical." Such a corporation is governed and controlled by the general law of private corporations, and under the common rules of construction such corporations might do any acts promotive of the corporate purpose and not inconsistent with the general laws or the public policy of the State.

There being no law in the State prescribing or limiting the the power of conferring degrees or issuing diplomas therefor, and there being no doubt as to the profit of such transactions, as herein above described, it surely does not require any stretching of power under modern usage for an educational corporation to sell for profit its degrees. Certain it is that sales are thus made under the color of legal authority, and the high officers of the State have not seen fit to challenge this power so generally exercised.

And where the State says "You may organize and operate for profit educational corporations," it would not be an easy matter to forfeit charters granted for that purpose because the powers are being used for that purpose in accordance with the laws of trade.

Educational corporations for general welfare are provided by general law for any association of individuals (five or more), who desire to be incorporated for the general welfare of society and not for individual profit. They obtain their charter the same way, however, as corporations for profit. Such a corporation is expressly invested, "with power to confer degrees." Dividends of profit are forbidden among members, but there is no express statute forbidding any one person to appropriate and use the name and powers of the corporation for gain. Our State records show hundreds of charters issued every year, which are not known thereafter as active organizations in the Counties where they have their official residence. Indeed corporations of both kinds are often organized by mere dummies—irresponsible persons who will transfer or surrender their chartered rights for small sums. It is a comparatively easy matter therefore for a shrewd dealer to get control of the hull of the corporation and use it for his own private purposes.

In short, corporate powers granted in modern times in our American States, merely for the asking, and for almost every imaginable purpose, are being prostituted and abused in matters

of education as well as of trade and commerce; and until some officer is charged with the special duty of inquiring into these corporations, or some person sufficiently interested in a pecuniary way, or some one with the public interest at heart, moves for their suppression, they will continue to practice their fraud upon the credulous public with impunity.

The temptation for the exercise of these powers and functions by Colleges of Law has been greatly increased by the statutory provisions of some of the States, authorizing schools of law to grant licenses to practice law in the courts of the State; and thus not only degrees but licenses to practice law have been offered and sold in some States.

The State Bar Association in Tennessee, after several years of faithful and praiseworthy effort, has at last succeeded in persuading the Legislature to enact a law committing the whole subject of admission to the Bar to the Supreme Court and a Board of Examiners to be appointed by the same. In this way this source of revenue to the "fake" institutions is cut off in this State. But the revenue from the sale of degrees will doubtless continue so long as the degreeless public can be humbugged by these plausible pretenders, or until some statute is passed establishing a standard for these degrees and vesting some academy, university or other educational body with power of supervision over this much abused privilege.

Henry H. Ingersoll.