

# THE INTERCOLLEGIATE LAW JOURNAL.

---

---

VOLUME II.

FEBRUARY, 1893.

NUMBER 3.

---

---

YALE LAW SCHOOL.

BY GEORGE B. BEERS, OF THE NEW HAVEN BAR, ASSISTANT PROFESSOR OF LAW  
IN YALE UNIVERSITY.

This is to be a sketch of the Yale Law School of to-day. While it is to touch but lightly upon its history, it is to outline its present condition, its work and methods.

The Law Department of Yale has shared in the general prosperity of the University and has to-day more students than ever before in its career, one hundred and seventy-five names now standing upon its rolls.

The present decade has witnessed a great growth and development in matters of legal education generally. The superiority of law school to office training is no longer seriously questioned. The office, of course, affords a practical drill that is indispensable and must sooner or later be secured; but the change in methods of transaction of

legal business, the hurry and rush of modern professional life, the genesis of the legal clerk, stenographer and type-writer, have crowded out the student and taken away his best opportunities for study. The preliminary education, lying at the base, and necessary not only to render the office training useful but even to prevent it from being actually hurtful and misleading, is best secured in the school. There the presence of fellow students stimulates a generous emulation, and trained teachers of law, give their best efforts to promote the learner's advancement. He is there conducted by gradual stages from the simple to the complex; from mere theory to practical application to actual facts.

A general appreciation of this has

given rise to new schools in all sections of the country, to a great increase in the attendance at the stronger institutions, and an improvement in the schools themselves. The theory of the law is more thoroughly taught on the one hand, and on the other, *practical* methods have arisen which fit the student, so far as the nature of things will admit, for the actual practice of his profession. The graduate, if he has attended to his duties with fidelity, has not only made a beginning as a legal scholar, but is able to handle a case when he gets one, as well as he could after training in any school—save that most expensive and bitter one, the hard school of experience.

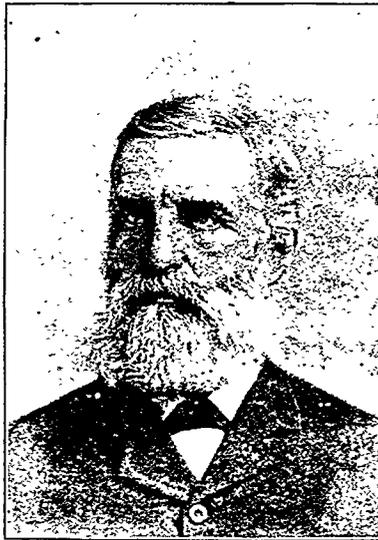
The early history of the Yale school is bright with illustrious names. Staples, Hitchcock, Daggett, Storrs, Bissell and Dutton, as well as many other of its instructors, were notable figures of their day and generation, and their lives would make an interesting chapter in the biography of the bench and bar. Among their students were Justices Davis, Strong and Brown of the Federal Supreme Court; Governors Hubbard, Ingersoll and Morris, of Connecticut; Polk of Missouri and Hoppin of Rhode Island; Chief Justices Sheldon of Illinois, Atwater of Minnesota, Smith of North Carolina, Brown of Georgia, and Watkins of Arkansas; Attorney-Gen-

eral Edwards Pierrepont, Judges Shirias of Iowa, and Shipman of Connecticut; ex-Minister Edward J. Phelps, of Vermont, and Professor Theodore W. Dwight.

In 1869, a reorganization of the school took place and it assumed substantially its present form. To the gentlemen then placed in charge, and to those who soon after joined them—all but one of whom are now living and upon the fac-

ulty—the subsequent success of the institution is chiefly due. The lamented death of Professor Johnson T. Platt in 1890 made the only break in the ranks of instructors of that day.

The present Dean is Hon. Francis Wayland, LL.D., who, doubtless, inherited many of the qualities which he has displayed in his successful conduct of the institutions, his father being the late eminent president of Brown University.



WILLIAM C. ROBINSON, LL.D.

Professor Wayland is a graduate of Brown and of Harvard Law School. All except his earliest professional years have been spent in Connecticut, a State which has honored him with several important political offices. He has been Judge of Probate for the District of New Haven—the most important in the State—Lieutenant Governor, and is now President of the Board of Directors of the State Prison. Professor Wayland is much interested in social

and economic questions, and especially in the cause of prison reform. For several years he was president of the American Social Science Association, and is an active member of many social and charitable societies. He was for years the professor of the Law of Evidence, but with the great growth of the school, the executive duties of his position have correspondingly increased and he now confines his instruction to English Constitutional Law, of which he has long been an enthusiastic student.

One of the most widely known and generally used of students' law books is "Robinson's Elementary Law," the author of which, Professor William C. Robinson, LL.D., is the senior professor at the school. Professor Robinson is a natural teacher, a man who keeps thoroughly in touch with student life. His method of instruction is pre-eminently his own. His principal subjects are elementary law, pleadings, criminal law and real property. He follows the recitation system, the student reciting, the professor explaining the text and enriching the subjects from a store of learning and illustration, the fruit of many years of study and experience as judge and lawyer. The system is not new, but the manner in which it is carried into effect gives it originality. Profes-

sor Robinson is also the author of the well-known treatise on Patents which bears his name.

The system used at Yale—if so broad a term can be employed—where each instructor is left free to follow the method which his bent of mind and the nature of his subject render most apt—is the recitation system, lectures only appearing as incidental to it and to develop new and growing subjects.



EDWARD J. PHELPS, LL.D.

Professor Simeon E. Baldwin employs it largely, but in a different way from Professor Robinson. His exercises, while generally founded upon a text-book lesson, consist principally of questions upon hypothetical cases, adapted generally from actual suits or framed upon well-established propositions of law. By these cases, the rules which form the subject of the lesson are illustrated and enforced. Professor

Baldwin was a few weeks ago honored by an appointment as Associate Judge of the Supreme Court. His elevation to the bench removes a familiar figure from the bar of the State where he has been engaged in many important controversies before the State and Federal Courts. His practice consisted largely of matters of corporation law. While a tireless worker in professional and educational fields of labor, he has found time for much study and research on

collateral lines. He delivers each year a course of lectures on Roman law before the seniors, and has charge of the graduate classes in the study of the Code Napoleon. In 1890 he was the president of the American Bar Association, and has always been a most active and enthusiastic member of that organization and of the State bar association. He is the author of the standard digest of the Connecticut reports, and was one of the commission which framed the "Practice Act" of the State. Professor Baldwin's legal education was received partly at the Yale Law School, and partly at that of Harvard, and in 1891 he received the degree LL.D., from the latter university. He has charge of the instruction in corporation practice, wills and some kindred branches.

One of the professors who comes nearest to the heart of the student is Judge William K. Townsend, D. C. L., now of the United States District Court. Professor Townsend was most actively engaged in the work of the school before his elevation to the bench, and now finds time, in the midst of the exacting duties of his office, to continue the work for which he is so eminently fitted. His enthusiasm alone would go far to make him a successful teacher. He gives instruction in contracts and admiralty,

using the text-books as a foundation, but making free use of leading cases.

Professor Theodore S. Woolsey, a son of ex-president Woolsey, is professor of International Law, which has been the subject of his life study. His course with the graduate classes is especially thorough and consists of text-book work, lectures, and collateral readings with especial reference to matters at the time being before the public.

Professor George D. Watrous, D. C. L., is assistant professor of torts and contracts. He instructs by text-books with frequent use of leading cases. He comes of a line of lawyers, his father being the late George H. Watrous, president of the New York, New Haven and Hartford Railroad Company, and a prominent member of the New Haven Bar, and his grandfather Judge Henry



SIMEON E. BALDWIN, LL.D.

Dutton of the Supreme Court, and a member of the faculty of the Law School.

Assistant Professor, George E. Beers, M. L., a graduate of Trinity College in the class of 1886, gives instruction in contracts, elementary law and equity. He is also secretary of the faculty, and in practice at the New Haven bar. Soon after his graduation at the Yale Law School, he was appointed associ-

ate professor of Law, in the University of Tennessee, and continued in that position until chosen for that which he now holds.

Besides the regular members of the faculty, the school has a staff of lecturers and special instructors, some men of broad experience and national reputation, who treat the higher branches of the law, others scholars in legal science, who are brought in for their knowledge of special branches, while still others are younger men, who are rendering most valuable assistance to the faculty, and doing hard, earnest work for the school and the cause of legal education. Among the members of this branch the Board of Instruction are Hon. Edward J. Phelps, LL.D., late minister to Great Britain, Ex-Judge Loomis of the Connecticut Supreme Court, Judge Fenn, late of the Superior

Court, who has been recently appointed an Associate Judge of the Supreme Court, Judge Nathaniel Shipman of the United States Circuit Court, Hon. William E. Simonds, Commissioner of Patents, George M. Sharp, Esq., of Baltimore, who is a member of the committee on legal education of the American Bar Association, Hon. Morris W. Seymour, Talcott H. Russell, Esq., Judge John H. Perry, Morris F.

Tyler, Esq., John K. Beach, Esq., Howard H. Knapp, Esq., E. B. Gager, Esq., and Edward G. Buckland, Esq., of the Connecticut bar, Messrs Thomas Thatcher, M. Dwight Collier, James M. Townsend, Jr., and Roger Foster, author of "Foster's Federal Practice," of the New York bar, C. LaRue Munsen, Esq., of the Pennsylvania bar and Professor William G. Sumner, Arthur T. Hadley, Arthur M. Wheeler, Albert S. Wheeler, and Mark Bailey of the University.



WILLIAM K. TOWNSEND, D. C. L.

Professor Albert S. Wheeler is one of the foremost scholars in Roman law in the United States, and has charge of the studies in that branch of those pursuing the second year of the graduate course.

The library, which contains the principal text-books, English and American reports and digests, embracing some ten thousand volumes, is open day and even-

ing. It is under the charge of the genial librarian, Dr. John A. Robinson.

The length of the course at Yale is two, three or four years, at the option of the student. In the first two years—the undergraduate course—the aim is to fit the student for his beginnings at the bar. At the close, the degree of LL.B. is conferred. The third year takes him more deeply into legal study and the subjects taught in the under-

graduate courses are elaborated. On its successful completion, the master's degree is conferred. The candidate may then pass to the studies of the fourth year, when questions of jurisprudence, French and Roman law are considered, and his knowledge of the common law rounded out. At the close of the year he may offer himself for the doctorate of civil law. Yale was the pioneer in the matter of graduate law courses, being the first school to offer the degree of D.C.L. Among those who have received it are Kozno Hotoyama, now at the head of the Law Department of Tokio University, and Professor Isaac F. Russel, of the University of the City of New York.

The instruction in the school is general—intended to fit the student for the bar of any State. It is supplemented by readings, under the charge of a professor in the laws of the several States. For this purpose the school is divided into sections, and the learner given every practicable opportunity to adapt his study to his individual needs.

While it should be the endeavor in legal education to make sound and thorough scholars, the fact should never be lost sight of that this is a hard, practical world, and that nine out of ten men go to law schools in order to learn to practice law as a profession, which shall

be also a means of livelihood. The instruction should be then not only scholarly but practical. With this end in view the larger part of the instructors are chosen from the active bar; that those who are daily meeting legal difficulties, trying cases, dealing with clients, and are in touch with active life, may help others, who, although a little behind them, are traveling the same road. The lectures and recitations of such men



THEODORE S. WOOLSEY, LL.B., M.A.

should bristle with points for every-day use. Pitfalls should be pointed out and the best way of doing a thousand and one things given. The student should be taught not only what legal rights in various cases exist, but what course expediency and sound judgment dictate. The true lawyer of to-day is not only a knight fearless in battle, but he is the guardian of his clients' interests, which are sacred to him, and which

more often call for the surrender of a doubtful right than for its enforcement. He never sacrifices a real advantage for a nominal and fruitless victory.

To this end also, exercises in the drafting of instruments are had where the principal legal papers are drawn by the student under the direction of the professor; moot courts are held, with a full complement of officers, where pleadings are filed, motions heard, and issues

of law and fact argued and determined. Every student has frequent opportunity to be heard in these courts.

Supplemental to the regular work of the school are the "quizzes," held by clubs of ten or twelve men each and under the charge of a tutor appointed by the faculty.

There are also various other societies organized for purposes of study, trial of cases, and practice in speaking, among them chapters of some of the legal secret societies. The general debating society is the Kent Club, which is largely attended and enthusiastically supported. Each year it holds a public debate and the "Dean Wayland Prizes," three in number, of fifty, thirty, and twenty dollars respectively, are tried for. The club does much to afford that oratorical practice so greatly needed and so generally neglected in institutions of learning of all grades.

There are also several other prizes open to competition—the Townsend prize of one hundred dollars, awarded to that member of the Senior class presenting the best oration at the public anniversary exercises; the Munson prize of fifty dollars for the best graduating thesis; the Jewell prize of fifty dollars, given for highest marks at the Senior examination; the Betts prize of fifty dollars for best Junior examination

and the Seymour prize of sixty dollars annually awarded to the member of the Senior class, who, in the opinion of the faculty, has made the greatest improvement in scholarship during his course.

Besides the regular law school prizes, the John A. Porter prize of two hundred and fifty dollars is open to competition from the law school, as well as from the other departments of the University. It has several times been awarded to law men.

It is believed that Yale enjoys to an unusual degree two advantages, which, although not inconsistent, seldom co-exist: viz., opportunity for thorough theoretical study and chances for the observation of actual practice.

The first is secured through its connection with a great university, the libraries and lectures of which are open to law



GEO. D. WATROUS, D. C. L.

students upon compliance with reasonable conditions. As to the latter, it may be said that the school occupies a floor of the New Haven county court house where frequent terms of the supreme, superior and lower State courts are held. It is conveniently located, also with reference to the United States courts. The bar of Connecticut, and of New Haven in particular, is a strong one and cases are thoroughly and ably tried. The lessons learned in the court-room