

1940

History of the University of Missouri Law School

Percy Anderson Hogan

Follow this and additional works at: <https://scholarship.law.missouri.edu/mlr>



Part of the [Law Commons](#)

Recommended Citation

Percy Anderson Hogan, *History of the University of Missouri Law School*, 5 MO. L. REV. (1940)
Available at: <https://scholarship.law.missouri.edu/mlr/vol5/iss3/1>

This Article is brought to you for free and open access by the Law Journals at University of Missouri School of Law Scholarship Repository. It has been accepted for inclusion in Missouri Law Review by an authorized editor of University of Missouri School of Law Scholarship Repository. For more information, please contact bassettcw@missouri.edu.

Missouri Law Review

Volume 5

JUNE, 1940

Number 3

HISTORY OF THE UNIVERSITY OF MISSOURI LAW SCHOOL†

*Percy Anderson Hogan**

The history of any institution or group may generally be traced in a large degree through the experience of its contemporaries, and this applies directly in the instance of the legal profession and legal education. Quite consistently, the progress of any group or institution during any period is reflected in and determined by the general pattern in which it tends to blend. Particularly if no sources other than contemporary ones are extant, an account of progress of a professional educational group and the sentiment prompting its institution—in this case, the School of Law of the University of Missouri—must be sought in the record of progress of the law and legal education not only locally but from national retrospect.

The Missouri Lawyer Prior to 1872

The Missouri bar of the early 19th century was, as might be expected, heterogeneous in the extreme. Made up of those lawyers who had been in the State prior to the beginning of the century, augmented by others from the east and south as emigration spread beyond the Mississippi, it presented a picture varied in extraction, nativity, culture and professional education. The names of Thomas Hart Benton, born in North Carolina in 1782, admitted to the Tennessee bar in 1808, and moving on to Missouri in 1813; Robert Wash, a Virginian by birth, United States District Attorney at St. Louis in 1812 and later Judge of the Supreme Court of Missouri; Henry S. Geyer, a native of Maryland, who came to St. Louis following the War of 1812; John B. C. Lucas, born in France, and emigrating first to Penn-

†Part of this article was originally prepared by Mr. Hogan for and appeared in *The Centennial History of the University of Missouri*, by Prof. Jonas Viles and others. Permission to reprint that material is gratefully acknowledged.

*Librarian, School of Law, University of Missouri.

sylvania and then to Missouri; Rufus Easton, from Connecticut; Abiel Leonard, from Vermont; and David Todd of Kentucky, show how diverse were the sources of the Missouri bar at the beginning of statehood.

The Missouri lawyer of 1820 had perhaps practiced his profession in the territory that was to become Missouri during the preceding twelve years, and more, and had perforce adjusted himself to the administration of justice of the frontier, by the Louisiana colonial government, by the judges of the Indiana Territory who sat in the District of Louisiana after the Louisiana Purchase, by the judges of the Territory of Louisiana, and later of the Territory of Missouri, and finally by the state and federal judges in the State of Missouri. He had, perhaps, received his legal education in England or on the Continent, and if so, had a distinct advantage over his fellow who had not; French, Spanish, and Louisiana jurisprudence presented a confusing system, the application and interpretation of which required the utmost in juristic science. He drew upon the codes of Spain and France, the Roman and civil law, not to mention his interpretation and adaptation of the common law of England, brought with him if he had come in from the states to the north and east.

Practice of the law, and the conditions incidental to it, differed as the general social and economic situation differed from that of the present day. It was a pioneer civilization, and emigration was spreading westward beyond the Mississippi. There were few lawyers then and would be few for some time to come, and the opportunities for professional contact were few. There were no bar associations or professional organizations as we know them today, and other than through meetings when court was held, lawyers saw little of each other. Even had this not been true, few could have managed to take advantage of such association. There were no railroads—the first not starting construction within the State until 1851—and the only means of communication and transportation were by foot, horse or water. So the lawyer rode the circuits, making his way in much the same manner as did his contemporary, the physician, though the contents of his saddle bags were somewhat different, as might be expected. A few of the pieces of fundamental printed matter then necessary to his calling—perhaps a copy of Blackstone, and later when they became available, a copy of the statutes—were usually carried. If fees were not high considered from a present-day standpoint, living was a correspondingly simple and cheap affair. Barter often solved the problem of shortage of money.

Practice was not the complicated institution which it became later on; cases were comparatively few in number and generally decided quickly.

There were not the endless precedents to be cited to the court from thousands of printed volumes. Decisions came correspondingly quicker, and the non-jury cases, of which there were many, were brought to a close in short order.

Preparation for the bar was not as standardized as at the present time, when required and accepted courses of study are prepared and presented to the law student through the medium of a school, through methods which occupy a fairly set period of time and develop his powers of legal analysis and discrimination. Law schools, as we know them today, did not exist. Harvard Law School, the first established school in the country, was not founded until 1817, although a law professorship had been founded at Kings College—later Columbia—in 1773. The first professorship of law was founded in 1779 at the College of William and Mary. In 1798 was founded the University of Transylvania at Lexington, Kentucky, and a law department instituted with one professor of law; it was at the University of Transylvania that David Todd received his education prior to beginning the study of law. The Litchfield Law School, about which so much has been written, was founded by Judge Tapping Reeve in the little town of Litchfield, Connecticut, in 1784. During its life it drew students from all over the nation, and in 1813 had reached the high point of its enrollment with some fifty-four students. The Litchfield School is interesting—embodying features of the apprenticeship plan and what seems to have been the beginning of the formal modern law school curriculum and practice. Here the number of students lent the appearance of law school, but following still the office, or apprenticeship system.

Generally speaking, two courses were open to the young man wanting to study law—courses which differed less in method than in possibilities. The prospective student, if his means permitted, might go to England for his professional education, as was done quite commonly during Colonial days, or perhaps to the Continent. In London he attached himself to the office of some well known lawyer, where (paying for the privilege) he drafted pleadings, read law—Blackstone, Coke and other commentators—, often memorized numbers of the reported cases, listened to trials of cases in the courts, all under the more or less careful supervision of the lawyer. Formerly the Inns of Court had offered formal instruction with organized courses, approximating more nearly the present day law school, but this came to an end some time prior to the opening of the nineteenth century.

The course pursued by the student who looked forward to securing his legal education on this side of the water was the same, but the facilities were less. There were fewer lawyers in America, and consequently fewer

masters of the art of pleading, to accept the students; there was not the opportunity to listen to the trials of cases as in the London courts; and finally, the number of printed reports and commentaries in America was few and scarce. It is probable that up to the time of the Revolution not more than thirty or forty of these titles had been brought over from England. To the student looking forward to self-education this lack of printed material was a most serious handicap. He might perhaps serve as an assistant to the clerk of some court, thereby coming in contact with actual court practice through copying pleadings, listening to the cases, and pursuing a course of reading in such printed material as might become available to him.

It must be evident that while there were facilities for legal education, yet wherever the student attempted to take advantage of them, either in England or America, the result depended largely on the personal ambition and efforts of the individual. He had no teacher to direct him through formal and well defined branches of the law, under a system which tended to test and develop his powers of legal analysis and thought. His study was organized by and received its impetus largely through himself. Quite often the lawyer in whose office he studied was busy with his own affairs, and other than through a general overseeing of his progress, took little part in the student's education. The student who pursued his studies in the office of a truly great lawyer of the times, who took interest in imparting his own knowledge and experience to him, was indeed fortunate.

Believing himself ready to take his place as a lawyer, educated by whatever method he may have selected, the candidate looked forward to admission to the bar. While we may look upon restrictions placed upon this as of comparatively recent development, yet even prior to the nineteenth century, regulations formulated by the courts, by statute, or by organizations among lawyers themselves were in effect.

The Act of October 1, 1804 provided that in order to be licensed to practice law in any court in the district of Louisiana, the applicant must have been possessed of "a person of honest demeanor . . . upwards of twenty-one years of age, and must prove to the judges that he is 'duly qualified.' "

Under the Act of July 3, 1807, no person might be permitted to practice law in any court of record in the Territory of Louisiana unless he had obtained a license from one or more officers of the general court, and to secure this license he must show that he had studied law in the Territory for at least two years "under the direction of some practicing attorney or person

of legal knowledge," and among other things present a certificate of good moral character. It then must appear to the judges upon examination that he was well qualified. The wording of the statute, requiring two years of study, and that the candidate be well qualified while setting forth general requirements, still left considerable leeway for its application. The Act of July 7th of the same year set forth a schedule of specific fees to be charged by attorneys, following an earlier one—that of 1804, which regulated fees of lawyers in the District of Louisiana.

Such were the requirements as to educational qualifications and admission to practice prior to 1820 and, generally speaking, for many years following Missouri's admission to the Union. Such were the conditions under which were prepared many of the State's best known lawyers. Abiel Leonard, born in Vermont in 1797, spent three years in studying for the ministry at Dartmouth College, studied law in the office of Gould and Sill at Whiteboro, New York, was admitted to the bar there, and finally came to St. Louis in 1819 via the Ohio River, in a skiff. Thomas Hart Benton was born in Hillsborough, North Carolina in 1782, was liberally educated, spending some time at Chapel Hill University, studied law and taught school at Franklin, Tennessee, was admitted to the Tennessee bar, and came to St. Louis in 1813. Born in Maryland in 1798, Henry S. Geyer was another Missouri lawyer of this period who prepared himself after his preliminary education, through office study. He studied with his uncle, who was a prominent lawyer, came to St. Louis at the close of the War of 1812, completed his studies there and entered practice. Robert Wash, a native of Virginia, was born in 1780, graduated at William and Mary, came to St. Louis, as did Geyer, at the close of the War of 1812, and was admitted to practice. Rufus Easton, born in 1784 in Connecticut at Litchfield, famous for its Law School, received a liberal general education, studied law in the office of Ephraim Kirby—reporter of the first printed volume of American reported cases—and elsewhere, was admitted to the Connecticut bar, and came to St. Louis in 1804. John B. C. Lucas was born in France in 1762, graduated at Caen in 1782, practiced law in France for two years when he came to the United States, became a member of Congress, and in 1805 was appointed Judge of the United States Court in Upper Louisiana by President Jefferson. One of the best known early judges, David Todd, received a liberal education and was a student at Transylvania University, Lexington, Kentucky, his native state, studied law in the office of Judge Bibb, was admitted to the bar, and came to Missouri sometime after 1820.

Variiegated as to nativity, pre-legal education, and professional prepara-

tion, these men present a representative cross-section of the early Missouri bar. Their names alone justify the demands of the professional requirements of the period.

The period from 1820 to the opening of the Civil War was one of continued expansion and development within the state generally, and quite consistently lawyers, facilities for education, and printed legal matter kept pace with social and economic advance. This was true nationally as well as locally. Charles Warren, in his classic *History of the American Bar*, states that the years from 1830 to 1860 constituted a period of legal development greater than any other in the history of the country, constituting the gradual development of our modern legal structure, and characterized by the increased recognition of individual rights and by simplification of the law through codification and revision. In 1875, a survey of the American bar having been completed, the Committee on Admissions to the Bar of the Association of the Bar of the City of New York concluded that the general standard of professional learning and obligation was high during the years 1800-1840, and declined therefrom until about 1870, or until after the close of the Civil War. The number of law schools was gradually increasing and by 1860 some twenty-one were in operation.

The first state statutory regulation, the Act of December 8, 1824, provided that a person might be licensed to practice law by the judges of the supreme court after passing an examination, conducted by the court or by examiners appointed by the court in the presence of one or more of the judges, by which he should appear to be well-qualified. He must also have produced certificates of good moral character, and have studied law for at least two years within the state under the direction of some practicing attorney or counsellor, or judge of the supreme or circuit court, or have previously been admitted by a court of record of some other state. Under date of December 20, 1830, this act was amended to the extent of requiring the individual to produce a certificate that he had studied law for two years, but the amendment was repealed by the Act of March 21, 1835. The Act of January 17, 1845, provided for licensing by either the supreme or circuit court—or some one of the judges if in vacation—and that the candidate should produce satisfactory credentials of good moral character and should undergo a strict examination as to his qualifications by one of the judges. Here the question of evidence of a term of study of law seems to have been completely disregarded. The Act of February 16, 1841, permitted any circuit court or the judges thereof to grant licenses under the same provisions as the supreme court and its judges. The Act of November 17, 1855, made

the same general provisions for admission, and still did not set up any specific educational requisites.

While the statutes prior to the War thus do not reflect any general sentiment in favor of raising the educational requirements of the lawyer, yet it is true that the increasing social and economic demands and responsibility placed upon the profession, coupled with the increase in the number of lawyers, had begun to call attention to the lack of adequate facilities for professional education. An apparent growth of sentiment in favor of classroom instruction in law resulted in the founding of the St. Louis University School of Law in 1842. Judge Richard A. Buckner organized the school and became its first dean. It continued until 1847, when Judge Buckner died and classes were discontinued.

Conditions incidental to the everyday life of the lawyer did not change radically during the period prior to the Civil War. The circuits were large, and the lawyer still rode them as at an earlier date, depending on horse and river-boat transportation, for the first railroad to cross the state was not completed until 1859. The Illinois, Mississippi, and Missouri Rivers provided the means of water transportation. Only a few miles of plank road existed. Until the middle of the century there were no telegraph or telephone lines, and only an occasional newspaper.

The War, however, not only largely disrupted the legal practice throughout its duration, but also left a train of consequences of great importance to Missouri lawyers. Perhaps most significant was the provision in the constitution of 1865 disqualifying from the practice of law any person who had served in the confederate army or adhered to the confederate cause. Many Missouri lawyers either abandoned practice altogether or left the state. Attorneys from other states were attracted to the vacancies, and young men were induced to prepare themselves for the profession. The War brought with it many damage suits, especially against members and sympathizers with the confederate forces, and political feeling ran so high for five or six years that the lawyer who would accept a retainer in behalf of the unpopular defendant was indeed in a difficult position.

The Establishment of the University of Missouri Law School

John H. Lathrop, the first and fifth president of the University of Missouri, declared in 1864 (which was in his second term of office) that among the functions of a state university was the training of ministers, doctors, and lawyers, but there is some question as to how distinctly he had in mind professional schools rather than the broad foundation of a liberal

arts training. The sectarian problem made a state theological seminary clearly impossible; even today the non-denominational theological seminary is the exception. The sensitiveness of public opinion had been shown in the attacks on President Shannon for his alleged intentions of making the college a preliminary training school for "Campbellite" ministers. On the other hand, the increase in scientific knowledge and the doctor's necessity of some knowledge of chemistry at least, unattainable through the old apprentice system of working in a doctor's office, not to speak of a real knowledge of anatomy, led to the establishment of medical schools and to the university's alliance with the school in St. Louis. A law school presented no sectarian problems, but the reading of law in an office or even alone was in the early days of the university still the established method of training in the West and the coming of the scientific age seemed to bring no new problems.

Two influences may account for the formal establishment of a school of law at the university in 1867. The movement for the establishment of professional schools for the training of lawyers, beginning in the east, definitely reached this western country by the decade of the sixties. Washington University established a school of law in 1867 and the state universities of Iowa and Wisconsin in 1868. Perhaps even more important at Columbia was the fight to secure the Morrill Act College of Agriculture and Mechanic Arts. The main and in the end the decisive argument of Read and Rollins was that the university at Columbia was a going concern in connection with which the college of agriculture could start functioning immediately. The establishment of a law school, even with the proviso that it was to be opened when the funds permitted, would obviously strengthen the argument.

The next five years were devoted to an unsuccessful and, until the struggle over the college of agriculture was won in 1870, perhaps not very energetic effort to find a supreme court judge or leading St. Louis attorney who would retire from active practice to organize the school. The vicissitudes of party politics finally made available an exceptionally desirable candidate. Philemon Bliss had been elected by the radicals to the supreme court, where he had won the respect and approval of all factions by his fairness and knowledge of the law. He had also become deeply interested in the university through his services as a curator. As he remained a republican in party affiliations, the return of the conservatives to power in 1870 and 1872 ended his political career and induced him in 1872 to accept the appointment as first dean of the law school. Boyle Gordon, a leading Boone

County attorney, was also appointed professor of law, and a curriculum and general announcement adopted by the Board of Curators.

Everything was consequently in order for the opening of the school in October, 1872. The appointment of Judge Bliss as the first dean was the beginning of a period of seventeen years of service, the longest administration of any dean and one of the longest times, continuously or otherwise, that any faculty member has served. A native of Connecticut, he had moved to New York, then to Ohio, where he had been a member of Congress and a circuit judge. He was appointed Chief Justice of the Territorial Court of Dakota for the period 1861-65, then came to St. Joseph, Missouri, where he was elected Judge of the Missouri Supreme Court and served from 1868 to 1872.

The first announcement of the school, contained in the catalog for the year ending June 26, 1872, and looking forward to the opening in the approaching fall, is undoubtedly one of the most illuminating single documents having to do with the early history of the school, giving, as it does, details of purpose and aim, faculty, course of instruction and methods, as well as some of the everyday details incidental to student life at the university at that time. The course covered two years, junior and senior, and no examination or particular course of study was required for admission to the junior class. However, if not a college graduate, a student must have been at least nineteen years of age, and if unknown to the professors, was required to produce testimonials of good moral character. The graduate received the degree Bachelor of Law. Instruction was by means of "oral lectures and expositions" and by recitations.

The "course of study" consisted of the enumeration of some twelve standard law texts, seven for use in the junior and five for the senior year, as well as a course in practice under the Missouri statutes. Lectures by Dr. Norwood on medical jurisprudence were open to all law students. It is interesting to note that Judge Treat, of the United State District Court, was to give a course of lectures on Admiralty and Maritime Law. The rivers, at that time, were still an important unit of the transportation system.

The school was formally opened on the first Monday in October, 1872, the occasion being celebrated by the attendance of a large ecclesiastical body then in session in Columbia and by a large number of citizens. Addresses were given by President Read, Judge Bliss, Professor Gordon and James S. Rollins. From the catalog of 1873 it is evident that it was not possible to offer quite all of the lecture courses contemplated, but the results of the year as a whole seem to have been gratifying. The faculty took note of the

superiority of those students who had had the advantage of preliminary academic preparation, the progress of those who in addition had had some work in elementary law being marked. Seven examiners were appointed from the bar by the curators to examine the students orally at the end of the year, this being the system used in early examinations. This continued to be the practice for some years to come, although the following year senior examinations were required to be in writing. Under the caption "Examination of the Law Class" in the catalog for 1874 are set forth all of the questions asked in the nine courses. It is interesting to note that as against forty-three questions in Bills and Notes, four were asked in Corporation—a situation quite in order with the comparative development of the two subjects.

The total enrollment during the first year of the school consisted of twenty-five students, six seniors and nineteen juniors. During the fifteen years following, the attendance did not vary greatly, averaging about twenty students, until in the fall of 1886-87 a large junior class of thirty-six raised it to seventy-two. A large percentage of each senior class received degrees. Moot Court was a feature of the institution, being held every Saturday. Attention was called to the fact that law schools were few where the faculty, as here, devoted their entire time to teaching and were always available to the student for consultation.

The board had set aside \$1,000 in August, 1872, for the purchase of books for the law library, and the next reference to it appears in the 1874 catalog, it being stated that it was well selected and contained the best treatises and digests of the common law, reports of the United States Supreme Court as well as of a few leading states, and some choice works of law literature. It was open "at all hours." The student, then as now, was obliged to supply his own books for class study—textbooks at that time rather than the case-books in present use. The librarian's report for the year 1876-77 mentions but one legal periodical as being received by the law library. The following year four are listed. Growth was slow, and as late as 1881, but 745 volumes were listed. However, in 1886 the library began to receive more notice and the frank statement was made that hitherto it had been so small that it was not deemed worthy of notice in the catalog, but since the late legislature had appropriated a reasonable sum of money for it, the students of 1887-88 might expect to find a fair working library available. It was expected that the 900 volumes would be doubled by that time. The university librarian added in his report: "The Law Library

is an institution in itself, independent and effective for good. Its librarian is Professor Yantis.”

This was the period of admission to practice of the holder of a law degree without further examination, and the act of the Missouri legislature of March 5, 1872, had made this privilege available to the graduates of the school. The feeling of optimism continued, the faculty believing that the success of the school had been such that, with diligently following up and perfecting the system adopted, no fears need be held for its future.

Appended to the catalog for the following year is the President's Baccalaureate Address to the Law Class of 1876, delivered March 31. It covered twelve pages, largely made up of advice to the young lawyer as to professional discipline and the orderly routine of his daily practice. An interesting item is the four and a half page letter from Dean Bliss to Governor Phelps, included in the catalog for 1878, entitled “Schools of Law—the Duty of the State.” It was in substance an appeal for support from the state for a state-sponsored law school, and discussed the general problems of legal education.

Seven junior and six senior courses were listed in 1881, including one of the junior year by President Laws—Logic and Ethics. Law schools having been accepted generally, attention had been turned to the question of length of the period of law instruction, and it was widely discussed in the professional literature of the day. In this spirit, the faculty regretted the fact that promising young men crammed themselves for examinations by one year's study. A change was made in the prior practice and all examination questions henceforth were to be printed, and to be answered in writing in the presence of an examiner. Included in the announcement for the year were the examination questions in Real Property and answers to the same as given by “one of the best of the graduates,” which showed excellent scholarship, and but few mistakes, which only a “pretty good lawyer” could detect.

The opening of the year 1881-82 was marked by Professor Tiedeman's coming to the school; a graduate of Columbia Law School, he was to continue as a member of the faculty until 1891. The name of John Hinton, father of E. W. Hinton, later dean of the school, appeared as lecturer on Probate Law and Practice. No particular change took place in the administration of the School during 1883-84, or in 1884-85. Professor Yantis joined the faculty in the school year 1887-88 as Assistant Professor of Law. A native of Missouri, he had practiced law in this state and in Arkansas.

There were no changes in the faculty during 1888-89, which, however,

was to be the final year of Judge Bliss's deanship. Judge Bliss's long period of service as dean ended in 1889. He had not been in good health for any time during his seventeen years' connection with the school, and died on August 25th. While the growth of the school, as of the whole university, had been slow, Bliss left behind him a firm foundation of legal scholarship and high professional ideals. In the troubled years toward the end of President Laws's administration, no attacks or criticisms were directed toward the law school.

Development and Growth

Following Dean Bliss's death in the summer of 1889, the board voted that the deanship be offered to Judge Alexander Martin, and he accepted, becoming the second dean of the school. Born on a plantation near Natchez, Mississippi, in 1833, he had been educated at the University of Michigan and at the Harvard Law School, from which he had graduated in 1858. He had been a leading member of the St. Louis bar.

Dean Martin, and Professors Tiedeman and Yantis, together with six non-resident lecturers, made up the faculty until Professor Tiedeman resigned in 1891 and John Davison Lawson succeeded him. There were no further changes in the faculty until Dean Martin's death in 1902.

The death of Dean Martin closed a period of service covering thirteen years. His success is summed up in the following editorial from the *Columbia, Missouri, Herald* of December 19, 1902:

"When it was desired to secure the ablest lawyer possible for Dean of the University Law Department he was sought as the best equipped jurist in the State for the office, and he was probably the only man who has ever held a place as preceptor in that institution who made his own terms regardless of all precedents. The great success of the department has been largely due to his high reputation and splendid administration. His death is a great loss to Columbia, to the University, and to Missouri."

At the services held in the university auditorium, Walter Williams said of him: "He was learned in the law in the best and finest sense; student, author, advocate, jurist, teacher, he adorned the Bar of Missouri." Dean Martin was the trusted adviser of President Jesse, especially on the legal and constitutional questions involved in the proposed removal or division of the university and in various claims against state and federal governments.

On March 31, 1903, Professor John Davison Lawson was appointed dean of the Law School, the third to serve in that office. Dean Lawson

was a native of Canada, having been born at Hamilton, Ontario, in 1852. He received his degree of LL.B. from Osgoode Hall, came to Missouri, and was admitted to the bar in 1876, and for nine years practiced law in St. Louis as a partner of Seymour D. Thompson. He and Professor Yantis, together with two assistants, formed the resident faculty. Plans were under way then to establish a Practice Court under the supervision of the faculty member teaching Pleading and Practice, by the fall of 1903.

Professor Yantis resigned in 1903 and went to Muskogee, Oklahoma, after sixteen years as a member of the faculty. The vacancy caused by Dean Martin's death was filled by the appointment of Edward Wilcox Hinton, later dean, as Professor of Pleading, Practice, and Evidence. Professor Hinton was a graduate of the school and had received his LL.B. degree from Columbia.

The administration evidently believed that the increasing enrollment justified looking forward to a larger faculty, and provision was made for an assistant professor who would be appointed before the start of the following school year in September, 1904. The assistant professorship was not filled, but a full professorship was added, making four resident faculty members during 1904-05. Evidently as a step towards further strengthening of the faculty in view of the increasing size of the school, announcement was made in the bulletin of April, 1906, that the appointment of a fifth resident faculty member—an assistant professor—be made at the beginning of the school year 1906-07. No changes were made in the faculty, however, during the current year.

The name of James Patterson McBaine appears first as a faculty member in the announcement for 1910-11, he being appointed acting instructor in law for the months January to September, 1910, and so beginning a long connection with the school culminating in his becoming dean. He had received a law degree from the school, and also from the Columbia Law School, and had practiced in St. Louis prior to his appointment. Manley O. Hudson, a graduate of the Harvard Law School in 1910, also became a member of the faculty as assistant professor.

Because of ill health, Dean Lawson resigned in 1912, but continued as a member of the faculty until 1915. Under his nine years of leadership the standards of the school had been raised as evidenced by the lengthening of the course to three years in 1901 and increased entrance requirements, in general the same as for the college of arts. A leader in legal education and law reform, his interests went beyond the classroom. Editor of the *Central Law Journal*, of the *American Law Review*, and Associate

Editor of the *Journal of Criminal Law and Criminology* and author of some fourteen books, Lawson still found time to take part in other professional activities. He had been president of the Missouri Bar Association, a founder of the Association of American Law Schools, of which the school became a charter member, and a member of numerous committees of professional bodies. After retirement from teaching, Judge Lawson devoted his time to editorship of his *American State Trials*. The basic material providing the subject matter for this, which consists of some 1300 books and pamphlets, was left to the library by Judge Lawson as the Lawson Library of Criminal Law and Criminology. Mr. William Keeney Bixby became interested in the project and supplied the funds necessary to acquire much of the rare printed matter. Professor Hinton succeeded Lawson as dean in 1912.

Beginning with the school year 1912-13, and consistent with other changes in policy as applied to increased standards, came a revision of policy with respect to constitution of the faculty. The system of lectureship traditional with the school, involving during the year 1911-12 some seven non-resident lecturers, was abolished and an all-resident faculty instituted. This faculty of seven included Dean Hinton and Professors Lawson, McBaine, and Hudson.

Dean Hinton resigned in 1913 to become a member of the faculty of the University of Chicago Law School. He was succeeded as dean by Eldon Revare James, trained at the University of Cincinnati and the Harvard Law School, who came to Missouri from the University of Minnesota. Dean James was on leave in 1917-18, serving as legal adviser to the King of Siam, and resigned as dean in 1918. He later became professor of law and librarian in the Harvard Law School. He was succeeded as dean by Professor McBaine, and James Lewis Parks was appointed professor of law. Dean McBaine resigned in 1927 to join the faculty of the School of Jurisprudence of the University of California and in 1928 Professor Parks became dean. Meanwhile Manley O. Hudson had been at Versailles and resigned in 1919 to become professor of law at Harvard. His later activities in the League of Nations and the World Court are well known. Beginning with the school year 1924-25, the law faculty had been increased to seven.¹

Dean Parks' death on March 6, 1934, was most unexpected. Uppermost

1. Though there were seven men on the faculty as early as 1912, in subsequent years the actual teaching staff was frequently reduced below the number listed in the catalogs, by virtue of leaves of absence and the retirement of Dean Lawson, who had been named Professor-Emeritus.

in Dean Parks' mind during his deanship had been the belief that to reach a high degree of service to the state, the school should pursue a course which would link it closer with the profession with benefit to the bar, students, and faculty members. His aims were to promote the actual application of the accepted ethics of the profession, to raise standards of the school through increased teaching efficiency and higher standards of scholarship, including the raising of entrance requirements, and finally, he had favored a plan of bar integration which would allow the Missouri lawyer to share in the regulation of the practice of his fellow lawyers. During his six years as dean he had been successful in his furtherance of each of these. Contacts between lawyer, faculty member, and student had been encouraged through the attendance at professional meetings, continuation of the annual dinners and Law Day, and occasional appearances of prominent members of the bar as speakers before the student body. Meantime he had strongly supported the movement culminating in the formation of the Missouri Bar. Specific dates had been set for the application of a three-years of college work entrance requirement rule, but owing to the economic situation which ultimately developed, it seemed better to defer it.

At the annual banquet of the school, held on April 28, 1934, Judge Frank E. Atwood said of him: "The consuming ambition of Dean Parks was to make this institution of the greatest possible service to the State, the profession and the cause of legal education."

Following Dean Park's death, Professor J. Coy Bour served as acting dean until the appointment, in the summer of 1934, of William Edward Masterson. Dean Masterson was a native of Texas, an alumnus of the University of Texas and of Harvard University, and came to Missouri from the Law School of the University of Idaho, where he had served as dean of the faculty since 1929. During his administration the faculty was increased to eight full time teachers. Dean Masterson resigned in the spring of 1938 and Professor Bour was appointed acting dean. Upon his resignation in June, 1939, Professor Glenn Avann McCleary was named acting dean and on March 30, 1940, the appointment was made permanent.

Dean McCleary was born in Ohio, where he received his A.B. from Ohio Wesleyan University. After military service and high school teaching, he took his law degree from the University of Michigan. After practicing in Toledo, Ohio, he returned to the teaching profession, first as an instructor of Political Science at the University of Chicago, then as a professor of law at the University of North Dakota. He joined the faculty at the University of Missouri in 1929 and has taught here continuously since

that time, except for the school year of 1935-36, when he did graduate work at Harvard University and received his S.J.D. degree.

Standards

For some twenty-two years, from the opening of the school in 1872 until 1894, there had been no marked change in admission requirements. In 1894, however, sentiment toward raising the requirements for admission to the school began to manifest itself, and the catalog for 1895-96 announced that since it was the intention gradually to raise the educational requirements, a successive increase of these would take place beginning in the fall of 1896. The requirements were stated to be a certificate or diploma from an approved high school, academy, normal school, or college, or the passing of an examination totaling four units credit, one unit each from the subjects of history, English, mathematics, and Latin. In the following years the number of high school units required was gradually increased.

It is interesting to note that even though the Committee on Legal Education of the American Bar Association went on record as favoring a high school education as a minimum admission requirement in 1897, it was not until some years later that it was finally approved. By 1900 the Association of American Law Schools was requiring of each member school an entrance examination equivalent to that required for graduation from a high school.

As early as 1904, agitation for still further advance in admission requirements might be noted in the American Bar Association. This developed progressively until in 1918 two years of college study were required by the Association for first-grade law schools. The announcement of the Missouri school dated April, 1910, contained the statement that, beginning with the session of 1910, thirty hours of college credit—either in the College of Arts and Science of the University or its equivalent—would be required for admission. Beginning with the session of 1911, sixty hours, or two years of work of college grade, would be required. Also of interest is the fact that not until September 1, 1923, did the Association of American Law Schools prescribe the rule for its member schools that one year of work of college grade would be required, this requirement to be raised to two years of college work on the second year following.

A further restatement of the aim of the Law department, made in 1905, was to the effect that it was its object to give its students a thorough and practical training in Anglo-American law which would fit them for practice in any state, and to do this by careful study of reported cases,

by a thorough study of leading textbooks, and by lectures. Every attempt was to be made not only to fit graduates for practice, but also to enable them to acquire a well defined and systematic theory of the law as a science.

As might be expected, the World War had to be considered in any adjustments to be made at that time, and the announcement for 1918-19 stated that for the period of the War and until further notice the School of Law would be open to men and women qualified to enter the College of Arts and Science. Beginning with the fall of 1920, however, these requirements were changed, and those which had obtained prior to the War were re-established. Consistent with the recommendations of the professional organizations, the next step, that of an entrance requirement of three years of college grade, was taken in 1932, and the announcement of that year gives information to the effect that commencing with the fall semester, 1933, a rule would be put into effect requiring the completion of three-fourths of the work toward a Bachelor's degree. The enforcement of this was deferred because of the general economic situation but the rule became effective in 1939.

The situation of the special student was recognized at an early date, and provision made for the student who for one reason or another did not wish either to complete the entire course, or to take it in its entirety. The annual catalogs of the early 1880's announced that such students would be admitted on the same basis as other students, but would not be considered as candidates for a degree. They were, however, awarded a certificate from the faculty showing the work completed. Subsequently, at least, the entrance requirements were modified in the case of the student over twenty-one years of age, and he was admitted as a special student without examination.

The special student has been a decided factor in enrollment figures, particularly after 1900, when the number of special students increased greatly, and in the period from 1902 to 1910 from thirty-seven to fifty-six were registered annually. From 1910 on the number of special students decreased until 1928, when the announcement of February of that year stated that they would not be admitted.

Statements were made through the early 1900's that it was the sense of the school that, since the degree awarded its graduate entitled him to admission to the bar of the state, the fact could not be overlooked that a fair knowledge of the general statutes of the state, and of the modifications which the common law had undergone in the decisions of the state

courts, were essential qualifications. In other words, the school should prepare its students first of all for the efficient practice of law in Missouri. However, this privilege granted the graduate was withdrawn because of the act of the Missouri legislature of February 27, 1905. The act vested the power of admission exclusively in the Supreme Court, and specified the subjects in which the candidate was to be examined, along with other details.

Credit for the passage of this measure is due largely to the persistent efforts of the Missouri Bar Association. Originally drafted and presented to the Association for its approval by its Committee on Legal Education and Admission to the Bar, it was finally passed by the Legislature after the Association had endorsed it, with some changes, at some six successive annual meetings. Dean Lawson and Professor Roberts, of the School of Law, were active members of the Committee. This action of the Association was quite consistent with its general policy of furthering higher standards in the state, beginning with the appointment of a Committee on Legal Education and Admission to the Bar following the first annual meeting in 1880, and continuing to the present time.

Current announcements of the Law School during this period stated that the department was open to women as well as to men, and that if they did not practice law in the courts, they might often find their knowledge valuable to them as stenographers in lawyers' offices.

The recommendations of the American Bar Association, reflected and seconded by its contemporary organization, the Association of American Law Schools, as to standards and entrance requirements, have always been met in a most receptive manner, and in most instances it has been true that a suggested requirement or modification has already been put in operation at Missouri before the time of its proposal. When, in November, 1923, the Council on Legal Education and Admission to the Bar made its first classification of American law schools, the University of Missouri School of Law was designated as one of the thirty-nine Class "A" schools. The school is a charter member of the Association of American Law Schools, founded in 1900. Dean Lawson, as mentioned, was one of its founders.

In April, 1891, the curators had instituted a Graduate Course in the Law School—the forerunner of the added third year—which covered one year and carried with it the degree of LL.M. Its object was to provide a more extended and practical knowledge of modern law than the limited time of the undergraduate school permitted, and to extend assistance in the study of any particular subject or department in which the student

might be expecting to practice. With the extension of the course to three years in September, 1901, the need for the Graduate Course passed; enrollment in it had never been high, some two or three students a year taking advantage of it.

The catalog for 1903-04 quoted the recent resolution of the American Bar Association favoring a three year course in law schools, and three years' college study before admission to the bar. Supplementing the recitation of the Resolution of the American Bar Association with reference to the duration of the law school course of instruction published in the announcement of 1903-04, that of the following year sets forth the correlated paragraph from the Articles of Association of American Law Schools adopted on August 18, 1900:

"After the year 1905 members of the Association shall require a three years course."

It was not until 1892 that the final member of the Harvard faculty to adopt the case system, Professor Thayer, accepted it and published his *Cases on Evidence*. The announcement of the Law School at Missouri for the year 1891-92 reads as follows:

"The Law Faculty is more satisfied than ever that the highest results cannot be reached by lectures alone . . . but that the student as far as possible shall be required to read the text of some approved treatise on the subject of instruction, *and to examine critically well-considered cases illustrating the principles discussed in the lecture room.*" (Italics the writer's)

This is the first intimation that any virtue which might perhaps lie in the case system had been considered locally.

That circumstances attending the adoption of the case method at Missouri further paralleled those at the Harvard Law School is evidenced by a statement in the catalog for 1903-04, to the effect that the extent to which the teacher took advantage of reported cases was left largely to his election. As an indication of the application of this, of the twenty-eight courses offered for 1904-05, case books were named for use in twenty of them. In all courses the specific method employed was left to the professor in charge of the subject. It was not long before the case system became the standard method of instruction and the catalogs announced it as the accepted theory of the school. It is still the basic principle of teaching and study, though often supplemented by textual, and in some instances not strictly legal, materials.

The curriculum of a law school, in the first instance, presents to the student the general courses or so-called "trunk" topics fundamental to

the professional knowledge of the lawyer. These courses are represented by the required courses of the first year law student; as, Contracts, Torts, Property, and Pleading. The curriculum then successively breaks these subjects down into the specific and specialized courses covering the more minute divisions of the practice of the law in which the future lawyer may engage. At the same time, specific phases of each general subject may be applied to fit other and new courses developed by need in one or another social or economic field. Or the course may introduce the fundamentals of all the basic courses as they apply to a specific topic of law.

Synchronization of curriculum with the trend and development of legal thought generally is evidenced by the titles appearing in the more recent announcements of the school of law. Administrative Law, Taxation, Business Organization, Creditor's Rights, and Public Utilities are courses which have made their appearance within a comparatively recent period. The Legal Profession, a development of the conventional Legal Ethics course, and Legal Bibliography, occasioned by the increase in the mass of printed professional matter, also emphasize this.

The Student Body

From an enrollment of fifty-seven students in 1892-92, registration increased rapidly up to the fall of 1896 when it reached a high of 133. Larger entering classes—one of fifty-five in the fall of 1894, and a still larger one of sixty-four in 1896—contributed largely to this.

Dean Lawson's administration was marked by continued growth in the size of the school. Large entering classes and admission of special students, of whom thirty-six were enrolled in 1910, caused a steady increase, until, by the fall of 1910, registration had reached a high of two hundred and sixty-two. However, as might be expected, with revision of admission requirements and the prospective increase in them to three years of college work, it dropped in 1911 to one hundred and forty-six.

The effect of the War was reflected on the student body, not only throughout its duration but immediately following it; registration figures of October, 1917, show a fifty per cent decrease. However, at the close of the War the enrollment assumed its normal average, and from 1920 to 1931 one hundred and twenty-seven students per year was the average enrollment. During the depression years it rose from a hundred and seventy-six in 1932 to two hundred and three in 1935. A decrease to one hundred and sixty-eight in 1936 marked a period of readjustment,

and from that time to date registration has averaged one hundred and fifty-six.

Of student activities, literary and debating societies have always been popular, and law students are repeatedly advised in the publications of the school that they are eligible for membership in them. In addition to the literary and debating societies in which law students have been active since the founding of the school, four professional fraternities have been formed since 1890, when Tiedeman Inn Chapter of Phi Delta Phi was installed. The Alexander Martin Club Court was organized November 11, 1896, and re-organized after the War—November 20, 1919—as the Alexander Martin Law Club. The John Davison Lawson Chapter of Phi Alpha Delta was established at the University of Missouri on January 9, 1909, and continued successfully for a number of years. Bliss Senate of Delta Theta Phi, established in 1921, and Tiedeman Inn are active at the present time.

The Missouri Chapter of the Order of the Coif was organized as Gamma Chapter of Theta Kappa Nu in 1906, and became a chapter of the Order in February, 1912. Membership is restricted to ten per cent of the members of the senior class who shall attain highest rank in their work, but in addition to these, each year an outstanding member of the Missouri bar is elected and initiated as an honorary member of the local chapter. In addition to those professional organizations, the *esprit de corps* of the law students has manifested itself in two less serious activities. For a period the mock trial was an accepted institution of the student body, and on at least two occasions—in 1909 and again in 1912—it issued the Docket, a publication which, while serving primarily as a program for the trial, also contained items of interest to the students and articles of professional character. Quite commonly the mock trial turned on the peculiarities or personality of some professor or administrative officer. Like the earlier Bogus Programs they varied from witty and kindly satire to attacks of more than questionable good taste. The mock trial has given way to the case clubs, in which all freshmen participate in briefing and arguing appellate cases. Like the *Missouri Law Review*, this is virtually part of the curriculum.

One of the most vivid memories of student life among the older alumni is the feud with the School of Engineering. This seems to have taken definite form around the struggle for the board walk in the nineties. For some years there was an annual pitched battle between the entire schools, with rather grim personal encounters. This gradually gave way to stunts

of the ordinary student type, and even these have pretty much disappeared after a shooting affair a few years ago, growing out of the kidnaping of the Queen of the St. Pat's ball.

The Library

Largely due to the increased allotments, the library grew rapidly during the ten years from 1890 to 1900. The 1980 volumes inventoried in 1890 had increased to 10,000 by 1899, and appropriation of \$5000 by the 38th General Assembly was followed by another of \$7500 for the biennium 1899-1900. The exact amount of damage done to the library by the fire of 1892 is uncertain, for while some sources state that it was "mostly saved," yet in 1893 over \$1200 was set aside for replacement of books lost in the fire, which would indicate a substantial loss. Despite this setback, the library was reported as increasing rapidly and to be adding not only all decisions of American courts as soon as published, but also a complete set of digests of these.

The seven years from 1903 to 1911, particularly, constitute a period of steady growth, made possible by generous allotments—\$5000 by the 42nd General Assembly, followed by sums of \$3000 and \$5000 per biennium alternately. This total of \$21,000, augmented by a \$10 library fee, explains the increase from 10,000 volumes in 1903 to 15,000 in 1911. The statement was made that the library might claim to be the best working library of any law school west of the Mississippi. It was available to students nine and a half hours a day, excepting Sunday.

Expenditures for books and binding varied considerably in the period 1912 to 1937, and have ranged from \$1800 to \$4200 per year. Annual allotments of \$4500 during 1938 and 1939, in addition to the law library's share in special funds set up for binding, and large special purchases of research material have brought the library to a state of content and physical condition which it undoubtedly has never before reached. Privilege of exchange of official legal publications for like material of other states, first made possible by the legislature in 1921, has helped immeasurably in keeping current reports and statutes to date.

The school, since its institution, had been housed in the University Building, three communicating rooms providing space for two lecture rooms and the library. The situation was, of course, changed after January 9, 1892, when fire destroyed the building. Quarters in the Court House

were used between the time of the fire and the occupation of the new Law Building on February 21, 1893.

The new building contained two large lecture rooms, court and office accommodations, and a large room for the library. By 1925 the Law Building had become inadequate although substantial and in good condition. The library had increased to over 25,000 volumes, and in spite of readjustments which had been made and stack space added, no room was left for expansion. Consequently, the generous offer of Mr. and Mrs. Frank R. Tate of St. Louis to provide one-half of the funds necessary to erect a new law building, contingent upon the appropriation of the balance by the legislature, was very timely. The curators accepted the offer of the building, and construction was begun in 1925.

The announcement for 1926-27 stated that the school would soon occupy the new building, Lee H. Tate Hall, but this was not done until September, 1927, and it was formally dedicated on October 1st of the same year. The dedication exercises and text of the addresses were published as Number 37 of the *Law Series*, December 1, 1927.

Following his appointment to the faculty, Professor Lawson had had the thought that a good collection of portraits of eminent lawyers and judges whose names were linked with the development of Anglo-American jurisprudence would be an inspiration to the student. Consequently, in 1903 he began the collection of a group of very fine engravings and etchings, some seventy in number, which hang in Tate Hall at the present time.

Announcement of the forthcoming *Law Series* of the *University of Missouri Bulletin* was first made in 1913, with the explanation that the four numbers to be published annually would present to the Missouri bar the results of legal research involving problems of Missouri law carried on at the school. There were to be leading articles by faculty members and notes on recent cases by the student editors. Student editors were to be elected to the board on the basis of their scholastic standing. The *Series* had a very successful experience, fifty numbers being published up to the time of its conclusion and the beginning of the *Law Review*.

Dean Masterson had been very successful in his work with the *Idaho Law Journal*, which he had founded and edited, and believed that there was a place for a legal periodical sponsored by the school and conforming to the style of the conventional law school publication. The consequence of this conviction was the issuance of the *Missouri Law Review*, the first number of which appeared in January, 1936. The *Law Review* is administered in much the same manner as its predecessor, the *Law Series Bulletin*.

tin, being a quarterly edited by both faculty and students, with leading articles and student notes on cases. Students are elected to the Editorial Board in their second and third years, selection being made by the faculty on the basis of scholarship. The *Review* has been a distinct success, a large subscription and exchange list evidencing its circulation. The library benefits considerably through exchanges made for it by the *Review*.

The Law School Foundation had its beginning in the fall of 1927, when at the meeting of the Law School Alumni Association on Thanksgiving of that year, Mr. Earl F. Nelson suggested its establishment. The Foundation has continued to carry out the aims held out for it since that time, and has been a decided factor in the development of the school. Some of its objects, as set forth in the report of the committee appointed to consider the advisability of its formation, and as presented to the Law Alumni Association, are, the establishment of prizes stimulating research and scholarship among the students; the promotion of legal research among members of the faculty; the enablement of the faculty to participate in the Restatement of the American Law Institute; the establishment of scholarships; and the provision for special lectures by distinguished alumni.

The school at the present time is made up of a full-time faculty of eight, and a student body (in 1939-40) of one hundred and twenty-six, a number somewhat reduced from the preceding year by the increased entrance requirements (three years of college work in which the applicant maintained at least an M average) effective for the first time last fall. It is housed in a modern and completely equipped building, largely taken up by the law library of more than 40,000 volumes, as compared with the three rooms and few hundred books of 1872.