

THE ORIGIN OF THE LAW COLLEGE OF THE STATE  
UNIVERSITY OF IOWA — TWO COMMUNICATIONS  
FROM JOHN P. IRISH

1438 Adeline St., Oakland, California,  
March 15, 1910.

PROF. BENJ. F. SHAMBAUGH,  
State University, Iowa City, Iowa.

*Dear Sir:*

I have read in the *Davenport Democrat* an account of the dedication of the Law Building of the State University of Iowa. Judge Dillon's letter, read on that occasion, is the only feature that connects the present with the past of the Law Department. That department, like many great things, was conceived in poverty and necessity. The period of the Civil War had been a time of great impairment of the University. Its income was depleted, it had long been without a President, and it was in a helpless condition.

I was elected to the lower house of the legislature in 1867, and in the session of 1868 I sought and secured for the University its first appropriation directly from the State treasury. A hard-faced and determined opposition had to be overcome to get that appropriation. The Iowa of that day was not the Iowa of this. Over much of the State the conditions of the rude and hardy frontier still existed. Railroads were few; the people felt the exhaustion of the long war; and there was a strange lack of confidence in the future. I was young and an optimist, and seeing the millions-to-be in the future Iowa, I proposed to begin then the foundation of higher education to meet the needs of the years to come. In the legislature the opposition accused me of intending to establish "an aristocracy of learning" that would serve the rich while supported by the poor. Throughout the contest I was stirred by the apathy on all sides toward the University. It seemed friendless, and I secured the appropriation only by trading with Des Moines and supporting the appropriation for a new capitol building.

This hard experience caused me to plan for the wider influence

of the University, to the end that it might have powerful friends, and I conceived the idea of allying it with the two most influential professions by attaching to it the schools of law and medicine.

Having been elected a Trustee of the University, I was in a position to make effective plans. Governor Merrill heartily approved the idea and the Board of Trustees moved rapidly toward its accomplishment. I was given authority to proceed. In the spring of 1868 I met Judge Dillon in New York City, and told him of my desire to have the law school open with the University in the autumn of that year. He said there was only one way to do that. In Des Moines there was a private law school, founded by Professor William G. Hammond, and if I could transfer that school to the University my purpose would be effected. Taking a letter of introduction from Judge Dillon to Professor Hammond, I went directly to Des Moines and remained until I had secured the Professor and his school for transfer to the University. In that meeting we planned and arranged what might be termed the "Organic Act" of the school, which perhaps endures as its present charter.

So it came to pass that when the University opened its fall term in 1868 it had a law school with more than a score of students. The reason for my haste was that I dared not let the matter go over until another session of the legislature lest that body should prohibit the professional schools.

I am moved to write this because Judge Dillon's modesty restrained him, and his letter read at the dedication is silent as to his part in the founding of the school. I have always felt that lacking the consultation with him and his advice the founding of the school would have been delayed many years.

Hammond's career as Dean of the law faculty was very distinguished. He was perhaps the best endowed scholar ever known to the profession in Iowa. And with all his great and varied learning he had a charming fellowship with his students. I hope that at the dedication of the new law building his services were remembered.

Very truly,

JNO. P. IRISH

1438 Adeline St., Oakland, California,  
May 24, 1910.

PROF. BENJ. F. SHAMBAUGH,  
State University, Iowa City, Iowa.

*Dear Sir:*

It may be of interest to narrate the processes by which my conclusion was reached that a law department would not only add an important college to the Iowa University, but would put within reach of all of its students the opportunity to acquire at least the rudiments of a science which to a certain extent is an imperative element in a liberal education. When a boy, without preceptor or assistance I was acquiring a sufficient knowledge of the law to secure admission to its practice, I was impressed by the views so lucidly maintained by Sir William Blackstone in his first lecture as Vinerian Professor of Law in Oxford University. When I became a member of the State legislature, at the age of twenty-four, and was made aware by service in that body of the extreme popular weakness of the University, and the indifference to its welfare on the part of the three learned professions of the State, the analogy with Oxford before Mr. Viner endowed its professorship of law occurred to me with very great force.

The lawyers of the State had come from Eastern schools, or were the product of office reading, and did not think of the University as at all related to them or to their profession.

The physicians were also from Eastern or European schools, and an aggressive element amongst them had been fitted for practice in a medical college for some time in operation in another city in Iowa. The head of that college was a watchful and energetic man, influential in politics and a considerable factor in public affairs. As for the clergy of the State, many of the most powerful amongst them were ordained in denominations that maintained academies and colleges of their own. This extensive group of denominational schools presented a united front against the University. While the clergy of each might differ, frequently with bitterness, on points of dogmatic theology, doctrine, discipline and the plan of salvation, upon one point they were in cordial union, and joined as heartily against the University as they divided in respect to their several ideas of religion. In this situation I saw the need of

putting law and medicine in accord with the interests of the University.

See now how clearly the counsel of Blackstone fitted the circumstances in which opposition to the University had placed me.

In his opening lecture as Vinerian Professor of Law in Oxford, delivered in October, 1758, he said: "I think it an undeniable position, that a competent knowledge of the laws of that society in which we live, is the proper accomplishment of every gentleman and scholar; an highly useful, I had almost said essential, part of liberal and polite education. This study will go hand in hand with their other pursuits; it will obstruct none of them; it will ornament and assist them all."

Again addressing himself specifically to the new chair which he was the first to fill in Oxford, he said: "As to the interest or, which is the same, the reputation of the universities themselves, I may venture to pronounce, that if ever this study should arrive to any tolerable perfection, either here or at Cambridge, the nobility and gentry of this kingdom would not shorten their residence upon this account, nor perhaps entertain a worse opinion of the benefits of academical education. Neither should it be considered a matter of light importance, that while we thus extend the *pomoeria* of university learning, and adopt a new tribe of citizens within these philosophical walls, *we interest a very numerous and very powerful profession in the preservation of our rights and revenues.*"

From the foregoing it will be seen that the words of Blackstone addressed to the Senate and students of Oxford one hundred and ten years before, were the direct inspiration of the founding of the Iowa University Law College in 1868.

Surely I am safe in saying that this statement will increase, if need be, the interest of the legal profession of Iowa in that college. It is further of interest that the first Dean of the University Law College, Dr. William G. Hammond, edited and published an edition of *Blackstone's Vinerian Lectures on the Common Law*, with the text unimpaired, and illustrated by copious notes of his own, which now is the student's *Blackstone* in the United States and England. For such a task Dr. Hammond had a supreme fitness. Learned not only in the Common Law, but profound in the Civil Law as well, he was a perfect classical scholar, who carried his

classics through life as part of his splendid intellectual equipment. In addition to this, there has perhaps been no American law teacher who knew better the history of jurisprudence and the lives and opinions of the great jurists. All of this enriched his notes to his edition of Blackstone and made it preëminently the student's text book, and also the instructive companion of the active lawyer.

Not only the present students of the College of Law of the University of Iowa, but its many graduates may have their pride and interest in it enhanced by this narrative of its origin. I am sure that it has built up a mighty force for the conservation of the welfare and the protection of the revenues of the University.

Very truly,

JNO. P. IRISH