Class of 1894

Bulletin, no. 24

Follow this and additional works at: https://repository.law.umich.edu/class_pubs

Part of the Legal Education Commons

Recommended Citation
"Bulletin, no. 24" (1894). Yearbooks & Class Year Publications. 150.
https://repository.law.umich.edu/class_pubs/150

This Newsletter is brought to you for free and open access by the Law School History and Publications at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Yearbooks & Class Year Publications by an authorized administrator of University of Michigan Law School Scholarship Repository. For more information, please contact mlaw.repository@umich.edu.
WHEN WAS THE UNIVERSITY BORN?

The attitude of the alumni at large toward the controversy now going on as to the correct year of the foundation of the University may well be expressed in the famous words of the judge in the world's greatest law trial: "what is truth," construed by able authority to have carried the query "what really is the fact or truth in the case?"

It is contended on the one hand that the year of the birth of the University was actually 1837; on the other hand, it was 1817. The former has for its leadership in this debate, among others, certain deans of departments of the University and editors of the Alumni, and also a very high official of the Alumni Association.

The points that are made, inter alia, in support of the year 1837 are: "that the latter date is the real date, for then the constitution of the newly admitted State of Michigan made provision for the institution that stands to-day, while the earlier plan did not produce an institution that endured or that gave collegiate instruction of any kind;" the "earlier plan" refers to the Catholopistemiac or University of Michigan, with its detailed scheme of scholastic organization, provided for by the Act of August 26, 1817, by the then existing legislative authority of the territory of Michigan; it is also argued that the Catholopistemiac or University of Michigan had no locality prescribed by the Act of 1817, and that not until 1837 was Ann Arbor designated by law as the location of the University of Michigan, and that although previous to 1837 it was located in Detroit, it was not a "continuous evolution of the same institution in the same place."

Those who favor 1817 as the birth year of the University are largely alumni, scattered throughout the country, especially graduates of earlier years who are familiar with the early history of the institution and of the State. Some of the Regents are said to take this view, also not a few of the Committee on History and Tradition of the State of Michigan; there are probably members of the different faculties of the institution who are of the same mind. They say: that the University was created by a legislative act, the Act of 1817, establishing the Catholopistemiac or University of Michigan; that land was acquired in Detroit upon which buildings were erected and where instruction was shortly after given; that the highest court in the State, the Supreme Court of Michigan, by its deliberate and solemn judg-

(please turn to page three)

OUR CLASS IN THE LAND OF MYSTICISM

According to reliable authority, there are some eight hundred different secret, or quasi-secret, societies in this country, with about thirty million members; so that of the sixty million adult inhabitants in the United States about one-half are in the secret orders. The proportion holds true of our class. Ninety-four Laws are to be found in the various organizations of the Masonic body, in the Knights of Pythias, Odd Fellows, Red Men, Eagles, Elks, Woodmen, Orioles, Moose, Foresters and Knights of Columbus. The largest numbers are in the Masonic order; next in number are the Knights of Pythias, then the Elks, and so on. In all of them have they sat in the highest places. In Masonry, at least two have had the thirty-third degree conferred upon them, and twenty or more have gone up to the thirty-second degree; in the Knights of Pythias, several have held the most exalted fraternal office in their respective States.

Freemasonry in this country dates back to Colonial days, as early as 1729; Odd Fellowship followed in 1800. It seems most of the orders borrow their titles from four-footed friends.

Fraternial organizations attract professional men in large numbers. The young doctor or lawyer, especially, at the outset of his career, joins one or more lodges in his town. That is particularly so in the smaller communities. It can not be said, however, that the object of joining is always susceptible of an economic interpretation. To be sure, it affords the means of making friends, extending acquaintance and, possibly, bringing in patients and clients. The noble ideals and traditions upon which the order is founded, the desire to be a mystic, a royal or knight, or the occasional opportunity and privilege of dropping from a plain, hard and realistic world into a land of dreams, may well be the lure.

The Lodge very often affords the entering wedge for civic usefulness. It shares prominence with the church in the village or hamlet. Public demonstrations, such as a Fourth of July celebration, call for their leader or orator, a Knight of Pythias, Mason, Elk or member of the leading lodge in the place. Whatever prejudice may exist against fraternal orders by some, it can not be gainsaid that they perform a large and useful part in the life of our people.
THE BULLETIN

The Bulletin is issued throughout the year, in February, June and October.

It goes without saying that the columns of the Bulletin are open to each and every classmate for contributions of matter. It is your little paper. It is what you make it. The excuse for its existence is to afford the opportunity to every member of the class for a “talk” with all of his or her living classmates and professors and for the dissemination of news about each. Although requests or urgent for the above should not be necessary, each and every one of you is hereby invited, is urged, to send in an account or sketch of an incident, episode, or occurrence reminiscent of law school days, happening in the lecture or quiz room, campus, street, post-office, Ypsilanti, etc., or something about a favorite professor or quizmaster. Nearly all of the contributors in the past have been busy men trying to make a living, including ye editor. Do your bit, not as a duty, but “for the fun of it.” Do not take the attitude of “let George do it.”

It is not too soon to look forward to our class reunion, in 1929. It is less than a year and nine months off. We want every living member of the class present. If that disease “class apathy” has got hold of you, we prescribe a reading of the account of our reunion in 1924, on the tenth page of your copy of the class directory published last year. So, please plan now to be there. And those in remote places, begin to save your pennies now, particularly if you intend to come by airplane.

JUSTICE E. FINLEY JOHNSON
BACKED UP FOR GOVERNOR

DISTINGUISHED MEMBERS OF LOCAL JUDICARY AND BAR SUPPORT HIM

The appointment of Justice E. Finley Johnson as governor general of the Philippines is favored by prominent members of the Philippine Bar, both Filipinos and Americans, who explain that the justice's long service in the government in the interests of the Filipino people, and his broad experience in this country, highly entitle him to the position.

Among those favoring the appointment of Justice Johnson are Judge Manuel Comas, Attorneys Gregorio Araneta, Francisco Ortigas, E. A. Perkins, William Brady, Clyde DeVitt and other local noted lawyers.

Attorneys Perkins, Brady and DeVitt explain that if there is to be any change in the present governorship of the Philippines, the Grand Old Man of the Supreme Court is the right man for the seat. The mature judicial knowledge and broadmindedness of Justice Johnson will make him a good executive, they point out. Their stand on the matter is supported by many other local attorneys.

Justice Johnson, when asked by a Tribune reporter, whether or not he would accept the appointment of governor general if it was offered him, discounted that possibility.

It was learned that he has been many times urged by prominent people, both in the Philippines and in America, to become a candidate, but has constantly declined the honor.

"To say that I would not accept the position if offered to me would be to say that I am little less than human," Justice Johnson said. "But I was not and I am not a candidate for the position."

The late Chief Justice Arellano, in a letter to President Harding in November, 1921, urged the appointment of Justice Johnson as governor general of the Islands. The letter said in part:

"I believe that, if appointed, his administration as governor general will be characterized with the same deep interest in the welfare of the Filipino people which has characterized his work as member of the judicial department of the Philippine government. He is not a politician. He perhaps is more familiar with the laws and customs of the Filipino people, with their character, with their aspirations and traditions, than any other American now living."

Justice Johnson has been a member of the judiciary of the Philippine Islands for about 27 years. More than 24 years of that period he has been a member of the Supreme Court. During the period of his service as a member of the Supreme Court he has acted as Chief Justice on many occasions. He has constantly demonstrated his friendship for the Filipino people and has always insisted that no injustice be done to them. He stated, during the interview with him, that history records no parallel in the progress of any people like that made by the inhabitants of the Philippine archipelago. — From the Manila, P. I., Tribune, Sept. 3, 1927.

VARSITY FOOTBALL OF 1927

The score of the game by the Varsity team against Ohio Wesleyan University, played on October 1st, when compared with the scores of the games played on that day by Wisconsin, Illinois, Northwestern and Ohio, would indicate that our team, under Captain Osterbaan, has fair prospects in the contest for championship honors this season. Minnesota, however, made a very fine showing, and seems to be a dangerous opponent. But experience has demonstrated that the results of initial games of a season are not generally a safe index as to the final outcome.
ment, has declared that the University was founded by the above mentioned Act of August 26, 1817, and that, quoting the words of the court, "the fact that its location was originally at Detroit and that, by subsequent legislation, it was changed to Ann Arbor, affords no argument against this conclusion." High authority is cited in support of the above, namely, Regents versus Board of Education, 4 Michigan 213, opinion by Mr. Justice S. M. Green; opinion by Mr. Justice James V. Campbell in People versus Auditor, 17 Michigan at page 191, and Political History of Michigan, page 161, by Mr. Justice James V. Campbell; to which might be added, Michigan, A History of Governments, at page 310, by Mr. Justice Thomas M. Cooley; Judges Campbell and Cooley, besides eminent scholars, have been the greatest jurists that the State of Michigan has produced; they were also members of the first faculty of the law school, which consisted of three members.

An able and vigorous brief has just been written and published by the leader of the 1817 birth year contenders, Frank H. Culver, Esq., of the class of 1875, a prominent member of the Chicago Bar, entitled The Founding of the University of Michigan, which contains the following interesting and instructive extracts:

"If the language of the Act of August 26th, 1817, sounds fantastic to people of today, it should be remembered that it spoke in the literary phrases of that time. President Thomas Jefferson seriously proposed as names for the territories, now Ohio, Indiana and Illinois, such names as Assinipinna, Pelisipa, and Polytopia. Judge Woodward, who came to Michigan from Virginia, was inspired in his youth by association with President Thomas Jefferson."

They were ardent students of the literature and language of ancient Greece. The Catholepistemiad was to consist of thirteen Didaxim or professorships, the thirteen being divided into sixty-three sciences, which bore names that had decidedly a Grecian flavor. And further, in answer to the argument that the Act of August 26, 1817, did not produce an institution that at once gave collegiate instruction and that the Catholepistemiad with its indefinite location was not "a continuous evolution of the same institution in the same place," as the present University of Michigan at Ann Arbor, the brief continues:

"When Rev. John Harvard died in 1636 he bequeathed £780 and 300 books for teaching generally. In 1639 the school was opened and the name of Harvard College adopted. It was not until 1650 that a charter was granted; yet Harvard rightly claims to have been founded in 1636. In 1647 New Haven 'set aside college land'; but it was not until 1668 that the Hopkins Grammar School was established. The charter was not granted until 1702 and it was not until 1718 that the first building was completed through the generosity of Elihu Yale and the name of Yale College adopted. Yet Yale rightly claims to have been founded in 1668. In 1746 a charter was granted to a 'college' in New Jersey. On September 14, 1747, a second charter was granted to the Trustees of New York University, which was its official and only title until 1856, when the name was changed to the Trustees of Princeton University. The school was first opened at Elizabeth, New Jersey, in 1746, but two years later it was moved to New Brunswick. In May, 1752, the school was moved to Princeton. It was not until September, 1754, that the cornerstone was laid. In November, 1755, the first sermon was preached and instruction begun. Yet Princeton rightly claims to have been founded in 1746. In view of these precedents, how can any objection be properly made to 1817, as the date of the founding of the University of Michigan?"

Although the question at issue is not a practical one at this time, it certainly is more than academic to the alumni of the present and future. The alleged birth year of 1817 has sentiment to mother it. Art and tradition are important factors in the comparative histories of universities of all lands, and the year 1817 is very desirable, and should be, and apparently is, the record of birth of the University of Michigan.

OPINION BY CLASSMATE JUDGE TRAVIS ATTRACTS FAVORABLE COMMENT

Chief Justice Julius C. Travis, of the Indiana Supreme Court, wrote the prevailing opinion in a recent decision handed down by that court, three to two, which has received prominent attention in the Chicago newspapers, in the liquor case of James Wallace, reversing the lower court that sentenced and fined the defendant on a charge of possessing a still. The decision, it is claimed, will tend to prevent searches "on mere suspicion" under the prohibition law. It appears that the search warrant in that case was issued on an affidavit sworn to by the prosecuting attorney, i.e., on information and belief. It is claimed that an affidavit on information and belief of the alleged facts therein set forth did not show probable cause, necessary to be shown before such a warrant can issue. The majority opinion is said to state that the consensus of judicial opinion is that a search warrant issued on an affidavit of mere belief, or on information and belief, is insufficient on which to base
THE BULLETIN

a finding of probable cause and that its issuance under such circumstances would be without warrant of law; that the mere averment of the affiant that he has reason to believe and does believe that the defendant had a still in his possession is not an averment of any fact from which the existence of probable cause could be determined, but is only the conclusion of the affiant.

ITEMS

Russell N. McConnell is the head and owner of the McConnell Adjustment Co., Inc., law collections, number 134 N. La Salle Street, Chicago. His son, V. D. McConnell, was graduated from the University of California and from the Northwestern University Law School and is associated with him in the above company. His son, R. N. McConnell, Jr., is a student at the Chicago Law School.

Judge Harland B. Howe's second eldest daughter, Barbara Jane, was married in June in Burlington, Vt., the judge's city home, to Robert F. Patrick, of said city.

Judge Robert F. Thompson, Law '92, one of our former popular quizmasters, attended his 35th year law class reunion in June and presided as toastmaster at the class dinner. The class has undertaken to have a portrait of its former professor Edwin F. Conely, painted, to be placed in the law building with the portraits of other former professors. Professor Conely was also on our faculty during our junior year, lecturing on Agency and Partnership.

Hugh A. Minahan, of Green Bay, Wisconsin, is Assistant Attorney General of that State.

Hedley V. Richardson and Mrs. Richardson, of Detroit, have issued invitations to the wedding of their daughter, Jean Irene, their only child, for October 11, 1927, at the North Woodward Congregational Church in that city.

Charles A. Ward is senior member of the firm of Ward & Farrell, with offices in the City Hall Square Bldg., Chicago.

Daniel H. Grady, of Portage, Wis., was elected Chairman of the Board of Regents of the University of Wisconsin.

Mrs. Judson E. Richardson, wife of classmate Judson E. Richardson, who with her husband attended our reunions in 1919 and 1924, meeting many of the wives of classmates present on those happy occasions, is recovering from serious injuries from a fall of twenty feet while on a visit to her son in Kalamazoo a year ago; her complete recovery, we are pleased to report, is ultimately expected.

Col. Dennis P. Quinlan, of Washington, D. C., is President of the University of Michigan Club of that city, and also District President. He is arranging some big events to take place during the Winter for the above.

S. M. Schall's son, Wallace, received the degrees of A.M. and Juris Doctor from Northwestern University; he has been appointed Instructor in American State and County Governments at that institution.

Classmates are always keenly alert for a word about or from any of the few living members of their faculty. We have just received a valued letter from Professor E. Finley Johnson, from Manila, where he is one of the Justices of the Supreme Court of the Philippine Islands; he writes: "I shall be present at the reunion of your class in 1929, unless something occurs more than I now know that will prevent it. I receive the Bulletin regularly. I note that you seldom mention the name of any member of your class of whom I do not recall some personal incident during his course at Ann Arbor. It is always a pleasure to hear about them through you and I hope nothing may interfere with my being present at your class reunion."

Edwin W. Sims's daughter, Susan, was married on June 28 at the home of her parents, 112 Bellevue Place, Chicago. Among the ushers were the bride's brothers, Edwin F. Sims, Jr., and Frank F. Sims. The newly wedded couple will make their home in Detroit.

Charles H. Kubat, of Omaha, Neb., made a short pleasure trip to Paris this past Summer.

Andrew R. Nichols, of Portland, Ore., is interested in mines in Leavenworth, Wash., where he is at present, temporarily.

Holbrook G. Cleveland resigned his position as Assistant Secretary of the American Sugar Refining Company. He has been in Europe the past Summer.

George E. Leonard, of Kansas City, has recently lost his only daughter, a young woman of great promise and usefulness.

Oreon E. Scott, of St. Louis, was elected a trustee of Drake University. During August he motored through the Northwest.

Charles F. Adams, formerly Prosecutor of Lorain County, O., is still in practice in Lorain, O. He is married and has two children. He is a member of the Elks, Eagles and Knights of Pythias.

Jacob B. Adams, of Uniontown, Pa., is a 32nd degree Mason and member of the Laurel Club and Uniontown Country Club of that city.