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GIFT OF

*Prof. Joseph H. Beale*

Received *Nov. 30, 1914.*

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# DISCOURSE

PRONOUNCED AT THE

INAUGURATION OF THE AUTHOR

AS

ROYALL PROFESSOR OF LAW

IN

HARVARD UNIVERSITY,

AUGUST 26, 1834.

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By SIMON GREENLEAF.

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1834.

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## DISCOURSE.

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MR. PRESIDENT, AND GENTLEMEN OF THE UNIVERSITY,

IN accepting the office to which I had the honor of your invitation, I have not been insensible of the difficulty and peril of the undertaking. To follow out the designs and continue the courses of exact and thorough instruction, projected by men of vigorous and exalted intellect and various learning who have here preceded me, and to act daily and constantly, by precept and example, with all the influences of an elder brother, on the minds of so many young men already the hope of our country, is a work of magnitude and interest sufficient to oppress a stouter heart than mine. And perilous indeed is the position, exposed to the brilliant lights of jurisprudence and of science by which I am surrounded. Yet, believing that an honor like this, unsought, was not to be declined, I have not felt at liberty to withhold this testimony of devotedness to a science of such surpassing value as the law; affecting, as it does, all we hold dear in civil or social life, and imparting, as it may be well or ill understood and administered, either health and vigor, or disease and death to our institutions.

It would not become me to claim for the profession, to which I belong, a rank and importance which are not accorded to it by the suffrages of all enlightened men. Yet, if the moral dignity of any science may be argued from the greatness and variety of its objects, from its intimate connexion with human happiness, and its tendency to mould the characters of men for a period of unknown duration, this attribute may be claimed for the law.

In all civilized communities, especially in those which are free, it affords protection to man from his earliest infancy. It provides for his education; taking care that he shall be imbued with the principles of sound morals and the love of virtue, and trained to science, or the useful arts. While it guards the orphan from the spoliations of fraud and avarice on the one hand, and on the other from the cruel exactions of a merciless master, it still interposes its kind restraints, to save him from his own worst enemy, himself. It presides over the tenderest and most permanent of the contracts into which he is permitted to enter; and in the character of parent, master and guardian, it charges him, in turn, with the offices which others have already performed towards himself; establishing, defining and enforcing, with scrupulous care, the reciprocal duties of those relations.

In the affairs of maturer life, man is constantly dependent on the aid of law. While it binds him to the fulfilment of his engagements to others, it

enables him to demand from others the exact performance of their own. It secures the enjoyment of his honest acquisitions, whether of property or of good name, and enables him to transmit to his children the legacy not only of wealth, but of reputation and example. Its protecting power is felt in the sacredness of his dwelling, and in the unlimited extent of his personal freedom and independence of action.

In our own country, the law constitutes the very element of our social existence. The present is emphatically the age of combined operations. The enterprises of men are no longer conducted, as in early times, by solitary and individual effort, and private capital; nor, as in the middle ages of commerce, by the regular and proper copartnerships of the mercantile world. Even these copartnerships, however numerous and extensive, are now made to assume the place of units in the vast schemes of the day; and from the puerile society, with its cent a month, to the magnificent conceptions of manhood, with his gigantic operations and his millions of capital, all is effected by condensed and incorporated energies. The unwritten laws of the social circle, and the statutes of the commonwealth, alike confer on numbers the character of individuality; and thus new forces are created, whose effects are limited only by the utmost extent of human power. Every man is a corporator; and the number and variety of these relations, which every member

of the community will, on reflection, be found to sustain, are no less important than surprising. And what is the mighty power which so smoothly, yet vigorously, moves this vast complication of machinery, but the all-pervading influence of law ?

Nor is this power discerned only in the encouragement of industry and the protection of innocence and youth. "With an eye that never winks," it watches the earliest developements of vice, and explores the deepest recesses of fraud and criminal intention ; preserving the purity and peace of society, by its preventive process, and the certainty of its wholesome inflictions. In this respect we can never measure the extent of our obligations to the law, until we can estimate the amount of crime which is prevented by the restraints it interposes before intent has ripened into action, or by the well-founded belief that the hand of justice will, sooner or later, yet certainly, be laid on the offender, if he shall consummate the wrong. And, even now, when the scenes of anarchy and violence which have scourged the old world are beginning to be re-enacted among us, next to the immediate vigor of our own arms, the energetic administration of justice is our only protection.

But of yet wider extent and higher character is its sway in the political relations of man. The strength of every government is in its laws, whether they originate in the will of one man, or are formed by the deliberations of many. The

efficacy of physical force, as an instrument of governing, will depend on the depth of ignorance and corruption to which men are degraded. The nearer a people are sunk to the condition of brutes, the more appropriate and successful will brute force be found, to subdue and control them. But in free governments, and among civilized men, its place is supplied in a greater or less degree by the power of public opinion, regularly expressed through the medium of law. It is this which measures the amount of personal freedom and rights which the individual surrenders to the whole community in return for its protection; and determines and secures those which are reserved for ultimate resort, under circumstances of extreme peril. It defines the relations of magistrates and people, prescribing the limits which neither are permitted to transcend. The sovereign and the subject, the public leader and the private citizen, all, in every situation and circumstance, alike yield obedience to the supremacy of law.

This, too, is the only successful arbiter of the destinies of nations. War may still be resorted to, as unhappily it has been, to avenge real or imaginary national wrongs; but it will still prove, as it ever has proved, a most unsatisfactory and ineffectual appeal. The spirit of man never bows submissively to its decisions; his bosom still heaves with strong though hidden purposes of future vengeance. Peace has no stable foundations but

those of compact and voluntary stipulation, entered into with good faith, for reciprocal benefit ; and peace and commerce are regulated and preserved only by the paramount authority of the code denominated the Law of Nations. Whence this code derives its high sanctions and exerts its mighty sway over the whole family of mankind, public jurists may continue to inquire, and philosophers to dispute ; but the true solution is found only in the power of Him who has ennobled this science by giving it the impress of his own mind, and imparting its rules to the lawgiver of his chosen people.

The effect of law upon the happiness of any community may be farther illustrated, by considering the personal influence exerted by its votaries upon that in which they live. I speak not now of the amount of good they actually achieve ; nor of any respectful consideration with which individuals may happen to be regarded ; but of the extent of the influence, be it good or evil, which they all, in various degrees, possess. For though, as was justly observed by a distinguished jurist,\* “ those who practice the law, without a knowledge of its principles, are the most mischievous, as well as the most degraded class of the community ; ” yet, wherever the law affords protection, it is to be expected that those who profess it should be resorted to and employed, not merely to obtain

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\* The late Chief Justice Parker.



reparation for wrongs, but to devise the means to prevent them. And who so able to devise such means, as they whose employments lead to familiar acquaintance with the operation of existing laws, and with the almost endlessly varied shapes, which crime and cunning assume, in order to elude them? All alike feel the operation of law; but those more intimately concerned in its administration may be presumed best to know the process by which effects, whether beneficial or not, are produced, and are most able to suggest the proper mode either of suppressing the mischief or advancing the remedy. It is therefore equally honorable both to the people and to the profession in our country, that its members have been selected to discharge so large a portion of this important trust. It was eminently so in the period of our revolution, when the edifice of civil liberty was reared, whose harmonious proportions were adjusted by the sages of the law in the senate-house, while its materials were secured by blood in the field. In the dark and lowering night, which succeeded that brilliant day, when the bonds of social order were loosened, and society was rapidly returning to its original elements; when the only remedy was the infusion of new vigor into the social compact by the adoption of a more efficient constitution of government; the most distinguished disciples of the law were again among the framers of that instrument; and to the united efforts of three of its brightest luminaries, in expounding the doc-

trines of the new constitution, and unfolding its spirit and tendency, in the numbers of the *Federalist*, we are chiefly indebted for its final adoption. And in later days, when the integrity of that charter has been invaded, its spirit violated, and its language perverted, whether to gratify the mad ambition of one partisan, or the cupidity of many ; to whom have all eyes been imploringly directed for its preservation, but to the living and honored champions and expounders of constitutional law ?

In the humbler scenes of private life the influence of the profession is hardly to be measured or imagined. Consider the variety of the municipal and social relations, and the legal questions to which they give birth ; the numerous instances of unavoidable and involuntary trespass upon the rights of others ; the errors into which even the most cautious are sometimes betrayed ; the perpetually recurring misunderstandings and misconstructions, and the feuds, which arise in every busy community ; capable of being inflamed into wide-spreading devastation, or of being composed, by timely and honest interposition, into firm friendship and peace ; — consider farther the easy and familiar intercourse which naturally subsists between the members of our profession and their fellow citizens, and the effect, either salutary or mischievous, of legal opinions, formally pronounced or casually thrown out, upon such materials as these ; — and all which we have asserted will not

seem too much to be said of the law. To whom, in the first instance, do the injured resort, for redress of their wrongs; the doubting and perplexed, for the solution of their difficulties; the oppressed, for relief; the dying, for the final arrangements of their worldly wealth; the widow and the orphan, for their violated rights; and all for the preservation and security of whatever is valuable in life, or its modes of enjoyment; but to the ministering officers in the temple of justice?

Thus, as has been quaintly but beautifully written, “of law there can no less be acknowledged than that her seat is the bosom of God; her voice, the harmony of the world; all things in heaven and earth do her homage; the very least as feeling her care, and the greatest as not exempted from her power.”\*

It was a similar view of the worth of this science, and of its importance to the preservation of our liberties, which led to the provision made for its cultivation in this place, by the noble liberality of Mr. Dane, and the enlightened forecast of Royall and of Gore; whose ample benefactions will continue to bless successive generations; while the institutions endure which they sought to perpetuate. They well knew that solitary study was unfavorable to the acquisition of enlarged and philosophical views of any science, much more of this; that individual man is every way circumscribed, and the limitations of his narrow and brief

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\* Hooker's Ecclesiastical Polity, B. 1. ad calcem.

existence pursue him in whatever he attempts ; that numbers and succession can alone enable him to attain that, which is great and perpetual ; — and that in the associations of the seminary, the union and impulse of kindred minds, communicating to each other their separate acquisitions, can accomplish what the maturity of isolated genius may never be able to effect.\* It is here that professional character is best formed, and its elements tempered and wrought up for future action. And in a government of laws, the formation of this character, by such a discipline, is a subject of public interest. It can never be a matter of indifference to an American State, what manner of men are employed in its halls of justice, or mingle with the people as expositors of the laws, or are concerned in their enactment in legislative assemblies. It may therefore not be deemed inappropriate to the present occasion, if the remaining moments allotted me should be employed in briefly sketching the character, which it will be my humble endeavour to impress on those, whose studies I may be permitted to direct.

The value, and even the necessity of deep and exact learning, to successful practice in either of the professions, is a point now so generally conceded as to require no argument or proof. The decrifier of human learning at the present day finds neither audience nor disciples. Even among those whose religious systems were once founded on the

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\* See Douglass on the Advancement of Society in Knowledge.

utter worthlessness of learning, popularly so called, which, of course, was regarded with contempt, the High School and the Seminary of modern times, with their splendid halls, their ample endowments, and their learned professors, however disguised under the humble title of schoolmasters, and tutors, all concur in the most consenting and conclusive testimony to the importance of liberal and thorough education. In the department of Theology, the necessity of a learned ministry for the defence of our common faith against the common enemy has been urged with strength of argument and fervor of eloquence, and attested by the splendid offerings of living piety and dying zeal. In Medicine too, the same necessity is felt and admitted, in the princely munificence with which Institutions for the blind, the deaf, the insane and the diseased are endowed in all directions around us ; and in the care with which its regular practice is guarded, and regular education encouraged by positive statutes ; expressing, with remarkable distinctness, the strength and the direction of public sentiment. And should less be done for the law, in which our liberties have their being, — for a profession from which we select our judges, and so many of our legislators and statesmen, — and whose influence on the whole body of civil magistracy is hardly to be conceived ? The age of mere fanaticism and cant, of bold empiricism and noisy declamation, of passionate appeals to prejudice, and forensic buffoonery, it is

to be hoped is passing away. Men are now to be addressed through their understandings. They are to be treated as rational beings, and convinced by argument and reason.

I would not confine the education of a lawyer to the technical learning of his profession, or to the code of his particular state. He can with no propriety be considered as sufficiently instructed, whose learning is limited to the remembrance of a few dry maxims, common places and positive rules ; and whose skill consists in the adroit practice of the mere technicalities of the law. Rules are of little value, without a knowledge of the principles on which they are constructed ; and the principles of law are to be sought only at the fountains of jurisprudence. In this science, as in the comparative anatomy of a sister profession, we best understand our own system of laws by comparing it with those of other nations. Man is to be studied in every period of his social existence, from the savage to the civilized state, in order to perceive the great truth, that in every condition of freedom, of intelligence, of commerce, and of wealth, his habits, his virtues, his vices, the objects of his desires, and hence the laws necessary for his government, are essentially the same. But to us, as members of a family of sovereignties, it is peculiarly necessary, that we should understand something of the laws of the other states in the Union, under which we hold many of our own rights, and with whose citizens our

intercourse is becoming daily more and more intimate and familiar. From the primitive ordinances and laws of New England, the refined and elaborated code of commercial and affluent New York, the equitable-common-law of Pennsylvania, and the staid and polished systems of the Carolinas and the Ancient Dominion, the accomplished jurist of every state will derive rich illustrations of the jurisprudence of his own. In that of Louisiana, he will recognise the living Institutes of Justinian, transmitted through the codes of France and Spain, and baptized, reverently so to speak, with the spirit of American liberty. In the statutes of the far West he will discern, as in a daily journal, the latest form and impress of modern law; while the national jurisprudence exhibits in bolder relief the great features common to them all.

It will be apparent, from a slight survey of our institutions, that no lawyer will have mastered his profession by an acquaintance with the common law alone, since this is not the only source from which they have been derived. Its earlier sages themselves drew largely from the vast reservoirs of the civil law; and in modern times the most enlightened and ablest judges are found to have been accomplished civilians. We ought, therefore, to be no strangers to this branch of professional learning.

But our studies should not be confined to codes. In the renowned examples of both living and de-

parted jurists we can see with what success the cultivation of liberal learning may be combined with the study of law, as a constituent part of professional education. The law should be commended to good taste by classic purity of style, as well as to enlightened reason by the wisdom of its decisions ; and it is always more respected when administered with courtesy, than when it is morosely inflicted.

In the walks of private life, the character of an upright lawyer shines with mild but genial lustre. He concerns himself with the beginnings of controversies, not to inflame but to extinguish them. He is not content with the doubtful morality of suffering clients, whose passions are roused, to rush blindly into legal conflict. His conscience can find no balm in the reflection, that he has but obeyed the orders of an angry man. He feels that his first duties are to the community in which he lives, and whose peace he is bound to preserve. He is no stranger to the mischiefs, which follow in the train of litigation ; the deadly feuds and animosities descending from the original combatants to successive generations ; the perjuries and frauds so often committed to secure success ; and the impoverishment so commonly resulting even to the winning party ; and in view of these consequences, he will advise to amicable negotiation and adjustment. He is a peacemaker ; — a composer of dissensions ; — a blessing to his neighbourhood ; — his path is luminous as “ the path



of the just." I look with pity on the man, who regards himself a mere machine of the law; — whose conceptions of moral and social duty are all absorbed in the sense of supposed obligation to his client, and this of so low a nature as to render him a very tool and slave, to serve the worst passions of men; — who yields himself a passive instrument of legal inflictions, to be moved at the pleasure of every hirer; — and who, beholding the ruin and havoc made by a lawsuit, which "two scruples of honesty" in his counsel might have prevented, can calmly pocket his fee with the reflection, that he has done his duty to his client, alike regardless of the duty to his neighbour and his God. That such men do exist, to disgrace our profession, is lamentably true; men —

"that can speak  
To every cause, and things mere contraries,  
Till they are hoarse again, yet all be law :." —

We would redeem its character by marking a higher standard of morals. While our aid should never be withheld from the injured or the accused, let it be remembered, that all our duties are not concentrated in conducting an appeal to the law; — that we are not only lawyers, but citizens and men; — that our clients are not always the best judges of their own interests, — and that having confided these interests to our hands, it is for us to advise to that course, which will best conduce to their permanent benefit, not merely as solitary individuals, but as men connected with society by enduring ties.

In the management of causes in Court, the whole duty of a lawyer, not only to his client but to all others, is expressed in the simple yet dignified and comprehensive formula of his oath of office, as administered in the national tribunals, — to demean himself uprightly, and according to law. He is to deal faithfully with the merits and facts of the cause confided to his care ; yet not pressing them beyond their intrinsic value, or the boundaries of justice. He has not sold himself to obtain, by right or wrong, a victory for his employer ; but is engaged to see, that his case is clearly and truly developed, and that the judgment pronounced upon it is agreeable to the law of the land. He is to perpetrate no falsehood ; — he is to practise no chicanery ; — he is to take no advantage of the mistakes of his brethren ; — he is to resort to no low cunning ; to spread no net for the unwary. He is to draw a broad line of distinction between the facts of the case, which are the property of his client, and the mode of bringing them into judgment, which is exclusively his own. In the ardor of forensic conflict he is still to be governed by the standard of morals in private life, and to personate no man but himself. He is to lend “his exertions to others, himself to none.” He has no personal abuse to bestow for the gratification of another’s spleen ; no gibes upon virtue and religion ; neither is he to neglect the courtesies, which are due to an opposing brother. If, in the collisions of the bar, his anger is sometimes roused, it should be, like the anger of Hooker,

but “the momentary bead upon a phial of pure water, instantly subsiding without sediment or soil.” He is not to forget, that while maintaining individual rights, he is also addressing the public, and acting upon minds with which he may never again come in contact ; that he is testifying for or against his profession, whose character, for the time being, he sustains, and is giving his suffrage, as a member of the community, either for virtue or for vice.

But his responsibilities, as the citizen of a republic, are of peculiar solemnity. Our institutions were created, not for the pageantry of an elevated executive, nor the brilliant display of the robes of office ; but for the security of personal liberty and right, — for the solid advantages afforded by law, the means of resistance against lawless aggression, and the redress of wrongs ; — for that which enables us to be individually and unitedly happy, in personal quiet, secure in the enjoyment of all which we may call our own. To us therefore, seeking safety and happiness in a free government, there is no object of such peerless value as the Judiciary ; regulating as it does the movements of the whole machine. It is the only barrier against the desolating flood of wild misrule, and the encroachments of stern and relentless despotism. While the tribunals continue to be filled by men of extensive learning, of minds capacious and highly gifted, of unblenching courage and uncompromising integrity ; however the storms of party may beat without the walls of the temple of justice, all will

be peace, security and confidence within. The equal and upright administration of justice in the courts of law will continue to impart stability to our institutions, operating as the safety-valve, through which occasional effervescences of popular excitement may quietly escape. It will disarm the cloud of faction of its terrors, and conduct them, harmless, to the ground. While men have within their own reach the means of removing the evils, private or political, which they suffer, whether it be through the judicial tribunals or the ballot-boxes, they will patiently endure them till the remedy is perfected by the slow but certain revolutions of time. While courts are open, and legal remedies exist, and public confidence in the integrity and ability of Judges is high and unimpaired, it is here, and here only, that the battle will be fought, in the undoubting confidence of success on the side of liberty and justice. The discharge of this responsible office is of difficulty and magnitude enough to demand the noblest faculties allotted to man. There is no "royal road" to judicial eminence; no process by which the labors of a judge can be performed without intellectual exertion. He holds the balance of rights as dear, perhaps, as life, to the parties; and the happiness or misery of unknown numbers hangs upon his decision. He cannot but deeply feel his accountabilitys. The cases brought to his judgment are of endless variety in their circumstances; often nicely balanced in their merits; and not unfrequently invoking the aid of novel and sometimes

of different principles. Justice and law may be on the side of his personal friends ; yet not so clearly and obviously so, as to deliver him from the reproach of partiality, even when obeying the dictates of an honest conscience. Party may assail him ; and tyranny may combine with faction to put him down. His whole life is a round of unceasing toil ; delightful, it may be, to a mind enkindled with the love of science and virtue, and dilated with strong and just conception of the value of these labors to his country and his race ; yet tasking to the utmost the vigor of his constitution, and rapidly consuming the energies, which bless and improve the circle, in which he moves. The whole man, — his power of perception, his memory, his understanding, his judgment, — even his patience and his self-control, are put in requisition by the duties of his station. While the ermine of justice is worn by men capable of these duties and worthy of the trust, public acquiescence in their decisions may justly be demanded. Yet the wisest judgments will sometimes be questioned by the unthinking ; and the losing party will still exert the precious privilege of complaining of the jury or the judge. But whenever these seats of learning and of law shall be occupied by men unable, through their ignorance, to acquire the respect of an intelligent people, or unworthy, through corruption, to retain it ; when the course of justice can be delayed by blind devotedness to party, or led astray by timidity, or obstructed by bribes, the redress of private wrongs will be

sought through private vengeance ; and public grievances will find their relief in open and bloody insurrection. American liberty can never be destroyed but by first destroying the independence of the Judiciary, and bringing its authority into contempt. While therefore all good citizens should give their united and generous support to this important branch of the government, and preserve the public confidence in its wisdom and uprightness, on no class of men does it devolve with greater emphasis than on members of the bar. If we are supposed best to understand the difficulties, which the judge is obliged to encounter, and the process by which he arrives at the ultimate conclusion ; to be more familiar than others with the habits of his mind, and the strength or weakness of his moral principles ; the greater deference will be yielded to our opinions of his judgments ; and the greater should be the caution with which we form and express them. Every rash and undeserved censure of this sort does but impair the protecting power of that, which sooner or later we may find to be the only Palladium of liberty, the only remaining security of our dearest rights.

But it matters little to the peace of society, how wise or upright the judge or the jury may be, if their means of ascertaining the truth are feeble and inefficient ; since judgments and decisions will be respected only in proportion to their supposed agreement with the actual merits of the case, in fact, as well as in law. The great instrument of eliciting truth is the hold obtained

upon the conscience through the medium of an oath. The force of this hold will depend on the sense of moral obligation and accountability in the person taking it ; and to strengthen, rather than to impair this, seems peculiarly to be demanded of us, who have such frequent occasion to resort to its agency. The utility of judicial tribunals is thus referred at last to the sanctions afforded by religion. In this country, religion in all its forms is freely tolerated ; but its existence in any form, is left to depend on the support of public opinion. And the founder of our nation has remarked, that “ in proportion as the structure of a government gives force to public opinion, it should be enlightened.” Christianity founds its claim to our belief upon the weight of the evidence by which it is supported. This evidence is not peculiar to the department of theology ; its rules are precisely those by which the law scans the conduct and language of men on all other subjects, even in their daily transactions. This branch of the law is one of our particular study. It is our constant employment to explore the mazes of falsehood, to detect its doublings, to pierce its thickest veils ; to follow and expose its sophistries ; to compare, with scrupulous exactness, the testimony of different witnesses, to examine their motives and their interests ; to discover truth and separate it from error. Our fellow men know this to be our province ; and perhaps this knowledge may have its influence to a greater extent than we or even they imagine. We are therefore required by the

strongest motives, — by personal interest, by the ties of kindred and friendship, by the claims of patriotism and philanthropy, to examine, and that not lightly, the evidences on which christianity challenges our belief, and the degree of credit to which they are entitled. The christian religion is part of our common law, with the very texture of which it is interwoven. Its authority is frequently admitted in our statute-books ; and its holy things are there expressly guarded from blasphemy and desecration. If it be found, as indeed it is, a message of peace on earth and good will to men ; exhibiting the most perfect code of morals for our government, the purest patterns of exalted virtue for our imitation, and the brightest hopes, which can cheer the heart of man ; let it receive the just tribute of our admiring approval, our reverential obedience, and our cordial support. I would implore the American lawyer unhesitatingly to follow in this, as in the other elements of the law, the great masters and sages of his profession ; and while with swelling bosom he surveys the countless benefits rendered to his country by this his favorite science, let him not withhold from the Fountain and Source of all Law the free service of undissembled homage.



## NOTES.

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OF ISAAC ROYALL, Esq., founder of the Professorship which bears his name, but little can now be gleaned, except from the Probate Office in Boston, where his will, the evidence of his munificence, is recorded. He was a gentleman of ample fortune; and being connected by blood and marriage, as well as by political opinions, with the principal royalists of the Province of Massachusetts, he left the country with them at the commencement of the Revolution; and died at Kensington, in England, about the year 1781.

By his will, he devised to the town of Medford, in Massachusetts, where he formerly resided, certain lands in Granby, for the support of schools. The residue of his estates in that town, and certain other lands in the county of Worcester, he devised to the Overseers and Corporation of Harvard College, "to be appropriated towards the endowing a Professor of Laws in said College, or a Professor of Physic and Anatomy, whichever said Overseers and Corporation shall judge to be best for the benefit of said College." All his other real estates, not specifically devised, he settled on certain members of his family in succession, with trustees to preserve contingent remainders; directing that on failure of all the issues in tail, one half the income of those estates, consisting of his mansion-house and farm in Medford, and of other houses and lands in Walpole, should be applied to the erection of a hospital in Medford or Cambridge, for the support of the poor, giving preference to those of Medford; and that the other half should be applied towards the support of a Professor of Laws in Harvard College. He further directed, that after the line of his grand-daughter, Harriet Pepperell, daughter of Sir Wm. Pepperell, one of his devisees in tail, should become extinct, no other devisee should succeed to the estate, till he should first have given bond to the Treasurer of Harvard College, for the annual payment of £10 sterling, for the support of students, to be designated by the Fellows and Overseers. Whether there has yet been any failure of issue among the devisees, is not known.

The capital, resulting from the property directly devised to the University, is \$7943.63; yielding an annual income of about four hundred dollars. The Professorship of Law, under this devise, was established in 1815; and was ordered, for the present, to bear the name of Royall. The residue of the funds for its support, have been hitherto furnished by the University. The

students of law at this Institution have gratuitous access to all the public lectures in the University; as well as to the General and Law Libraries. The latter contains at present about 3500 volumes, to which are regularly added all the American and most of the English law Treatises and Reports, as they are published.

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THE following notice of the public services and benefactions of Mr. Dane is furnished by a friend best entitled to speak of them.

“ The Honorable Nathan Dane, L.L. D., who is still living in Beverley, founded the Dane Professorship of Law in 1829, and then bestowed upon it an endowment of ten thousand dollars; to which munificent donation he has since added five thousand dollars more. In honor of so distinguished a benefactor, the elegant structure recently erected for the Law department in Harvard University has been called Dane Law College. And well does this gentleman deserve to have his name and character thus perpetuated in the most appropriate monument to his worth. Mr. Dane has been long known as an eminent lawyer and statesman. He served, with great reputation, in the Continental Congress during some of its most trying difficulties. To him we owe the formation of the celebrated Ordinance of 1787 for the organization and government of the northwestern territory; an Ordinance, which laid the solid foundations of the great and almost unrivalled prosperity of the States of Ohio, Indiana and Illinois. He served also, with great reputation and ability, in the Legislature of his native State of Massachusetts. In 1780 he was appointed chairman of the legislative committee to revise the Laws of this Commonwealth; and that revision still constitutes the basis of our statutable jurisprudence. Again in 1812 he was appointed by the legislature chairman of a committee to collect the ancient charters and laws of the colony and province of Massachusetts; a labor which he performed to the entire satisfaction of the public. But his great work, a noble present to the profession, of which he is so high an ornament, is his Abridgment and Digest of American Law, originally published in 1823 — 1824, in eight royal octavo volumes, to which he has since added another, besides supplements. Of this most valuable work, it is scarcely necessary now to speak, since its merits are so well known and appreciated by the whole body of the profession. It is the fruit of his steady devotion to the law, during a period of more than forty years; and affords a most ample proof of his various and profound learning, his almost unexampled diligence, and his

zealous and untiring love of his profession. It has conferred on him, by the unanimous voice of the Bar, the enviable title of the **AMERICAN VINEER.**"

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**THE** Honorable Christopher Gore, son of a highly respectable mechanic, was born in Boston in the year 1758, and received his primary education in the public schools of that town. He was graduated at Harvard University, with great honor, in 1776; and soon after commenced the study of law in the office of the late Judge Lowell, in whose family he resided during the whole period of his professional studies, and whose entire confidence and friendship he always enjoyed. He entered upon the practice of law in his native town, depending on himself as the artificer of his own fortune; and by his strict attention to business, diligent study, and faithful discharge of every trust, and by his manly eloquence, and gentlemanly bearing, he soon rose in the public esteem to an eminence seldom attained at so early an age. Before he arrived at the age of thirty he was sent, with Hancock and Samuel Adams, to the Convention of Massachusetts, assembled to consider the national Constitution. In 1789 he was appointed by President Washington to the responsible office of United States Attorney for the District of Massachusetts. In the critical period of our history which ensued, when the whole country was deeply agitated by the shock which the French revolution gave to all civilized communities, and our citizens, impelled by blind yet ardent attachments, were committing the most alarming breaches of professed neutrality, the duties of this office were of the most embarrassing and laborious nature; but delicate and difficult as they were, he met and discharged them with a degree of firmness, prudence and decision, which few could equal and none surpass. The intrepidity and talent which distinguished his conduct in this office, probably led to his appointment in 1796, with the late William Pinkney and Col. Trumbull, as one of the Commissioners under Jay's treaty, to settle the claims of our citizens for British spoliations on our commerce. It is to his powerful and convincing argument and exertions, in favor of that class of claims which was founded on captures made under the rule of 1756, that our citizens are indebted for their allowance, to the amount of many hundreds of thousands of dollars. He remained in England eight years, during part of which time he had charge of the diplomatic relations between the United States and that country, which had been confided to him by our minister, Rufus King, on his own return home in 1803, and which he sustained with great ability and honor.

In 1804, on his return to Boston, he resumed the practice of law, which he followed with his customary zeal, activity and success, occasionally being a conspicuous member of the legislature, till 1809, when he was elected Governor of the Commonwealth. To this call of the people he most reluctantly yielded obedience, surrendering his private feelings, his professional prospects and emoluments, and his love of lettered retirement and repose. But having become convinced of the duty of making the sacrifice, he formed the resolution, which he firmly maintained, of giving himself wholly to the faithful discharge of the office, and of being the chief magistrate of the Commonwealth, and not the head of a party. In 1814 he was appointed a member of the Senate of the United States, in which office he closed his political career. Of various Religious, Literary and Benevolent Societies in his State and county he was an active and useful member. He was for some years a most efficient and vigilant Fellow of Harvard College, to which Institution his attachment was ardent and its proofs substantial. His name is inscribed high among the most munificent of the benefactors of his *Alma Mater*. During his life, he gave his ample law library to the Law Department of this University; and by his will, after the provision made for his lady, and certain legacies, among which were two thousand dollars to the Massachusetts Historical Society, and one thousand to the American Academy of Arts and Sciences, of both which he was a member, he devised all the residue of his estate, not devised to his lady, and remaining after her decease, "to the President and Fellows of Harvard College and their successors, to and for the use of the University in Cambridge, and for the Promotion of Virtue, Science and Literature in said University." The property thus accruing, since the decease of Mrs. Gore, is valued at \$91,868; which however is still subject to the payment of legacies, estimated at the present value of ten thousand dollars; and to some annuities. He died March 1, 1827, at the age of sixty-nine; leaving to his country, beyond his pecuniary benefactions, the legacy of his character and his example.