

February, 1937

University of Pennsylvania Law Review

And American Law Register

FOUNDED 1852

Copyright 1937, by the University of Pennsylvania.

VOLUME 85

FEBRUARY, 1937

No. 4

WILLIAM HENRY LLOYD

LAYTON B. REGISTER †

As the Law School gathered again from scattered homes at the end of the Christmas vacation period, all sorrowed to read the Dean's announcement of the death of Professor William Henry Lloyd. There seemed to be something significant in the passing on the last day of the old year of this gentle, modest scholar, this believer in the virtue and culture of an earlier period. Another year was about to open, with its confused ideals, its lack of faith in a gradual evolution towards better things. We can just now ill spare one whose mature life spanned the old and the new, who with a sense of tradition examined the shifting scene and applied uncompromisingly to it the fruit of his experience and the hard-won lessons of history.

Professor Lloyd was sixty-six years old. None realized, on a June day of 1934, when he fell in the Law School building, sustaining a severe fracture of the leg, that a long enforced inactivity would seriously impair his powers of resistance and contribute towards the shortening of his career. Happily he was able to return to the Law School, and if his steps were slower and more cautious, there was no dulling of his mind or of his interest in all that touched the Law School.

Professor Lloyd was the son of William Henry Lloyd and Helen Borden Lloyd of Philadelphia. In 1920 he married Alice Gilpin, of Philadelphia, who survives him. Their home was at 259 South Van Pelt Street. He was a member of many societies and took an active part in their work.¹

† Assistant Professor of Law, University of Pennsylvania Law School.

i. Phi Kappa Psi; Phi Delta Phi (honorary member); Sharswood Law Club; Order of the Coif; University Club; Author's Club, London; Franklin Inn Club; Merion Cricket Club; Military Order of Loyal Legion; Sons of the Revolution; Bar Association of Pennsylvania; American Bar Association; Historical Society of Pennsylvania; American Law Institute.

He entered the College of the University of Pennsylvania as a freshman in the fall of 1886. Throughout his undergraduate years he was third honor man, engaged in college fraternity and literary activities, and freshman football; he was Class Poet. With an A. B. degree he entered this Law School and as second honor man in his third year he received in 1893 both his LL. B. and M. A. He was a member of the Sharswood Law Club and Phi Delta Phi Fraternity. In 1933 the University conferred upon him the degree of master of laws as a late recognition of his merit as a legal scholar. While still a student in the Law School he was associated with the office of Wayne McVeagh and George Tucker Bispham, the latter of whom had been dean and still was professor of law at this School. He later practiced with the firm of Walton and Andre of Philadelphia and then opened his own office, where he continued in active and varied practice until in 1914 he was made a full-time member of the faculty. For several years he assisted in the editing of the Pepper and Lewis Digest of Pennsylvania Decisions; he gave auxiliary lectures in 1907; in 1909 he was named one of the first Gowen Fellows, became lecturer in 1910, assistant professor in 1912 and full professor of law in 1916. It was while Gowen Fellow that he wrote *The Early Courts of Pennsylvania*.² As a teacher his interest lay principally in the fields of procedure and equity and in both these subjects he prepared case books.³ Mortgages and suretyship were also his subjects. His lectures on Roman Law, Administrative Law, Interpretation of Statutes and Legal Bibliography formed part of the auxiliary course. To *Great American Lawyers* he contributed the biography of Andrew Hamilton.⁴

Professor Lloyd's most valued writings, which showed the amplitude of his interest and learning, were his law review articles.⁵ He took pride in not allowing a year to pass without a contribution of this sort to some one of the

2. (1910).

3. CASES ON CIVIL PROCEDURE (1910, 1915 and 1916); CASES ON CERTAIN EQUITABLE DOCTRINES AND REMEDIES (1917); CASES ON PLEADING IN ACTIONS AT COMMON LAW (1927).

4. I GREAT AMERICAN LAWYERS (1907) I.

5. *Annuities* (1895) 43 AM. L. REG. 748; *Courts of Pennsylvania in the 18th Century prior to the Revolution* (1908) 56 U. OF PA. L. REV. 28; *The Courts from the Revolution to the Revision of the Civil Code* (1908) 56 U. OF PA. L. REV. 88; *Equity of a Statute* (1909) 58 U. OF PA. L. REV. 76; *Federal Courts* (1911) 59 U. OF PA. L. REV. 454; *Actions Arising Out of Injury to Both Person and Property* (1912) 60 U. OF PA. L. REV. 531; *Executions at Common Law* (1914) 62 U. OF PA. L. REV. 354; *Development of Set-off* (1916) 64 U. OF PA. L. REV. 541; *The Surety* (1917) 66 U. OF PA. L. REV. 40; *Partition* (1919) 67 U. OF PA. L. REV. 162; *Pylkington's Case and Its Successors* (1920) 69 U. OF PA. L. REV. 20; *Pleading* (1922) 71 U. OF PA. L. REV. 26; *The Mortgage Theory of Pennsylvania* (1924) 73 U. OF PA. L. REV. 43; *Roman Law in English Literature* (1926) 74 U. OF PA. L. REV. 346; *The Parking of Automobiles* (1929) 77 U. OF PA. L. REV. 336; *The Disturbed Tenant—A Phase of Constructive Eviction* (1931) 79 U. OF PA. L. REV. 707; *Noise as a Nuisance* (1934) 82 U. OF PA. L. REV. 567; *Act Codifying Laws Relating to Federal Judiciary* (1911) 23 GREEN BAG 291; *Penalties and Forfeitures* (1915) 29 HARV. L. REV. 117; *Some Modern Contacts between Courts of Equity and Government Policy* (1930) 14 MINN. L. REV. 205; *Mistake of Law* (1895) 1 PA. LAW SERIES 964; *Mortgages—The Genesis of the Lien Theory* (1923) 32 YALE L. J. 233.

major journals, though for the most part they were published in this Review. His ability as a legal historian is attested by the recognition of his valuable research into the early period of the courts of this province and state, the *Development of Set Off, Penalties and Forfeitures* and the history of mortgage theories. In *Roman Law in English Literature* we see at its best the charming wit and ease of Professor Lloyd's style and realize, as one did in conversation or listening to him address a students' banquet, the extraordinary range of his reading and memory. It was altogether in line with Professor Lloyd that in closing his article on Roman Law and English Literature, written in 1926, he should have aimed a shaft of his good natured wit at what it pleased him to term the "Corpus Juris" of the American Law Institute, of which he later was made a member.

He loved the Common Law and its way of growth; he loved and knew intimately the legal recesses of old London, its inns and courts, its coffee houses and book stores. In educational policy he was a classicist, impatient of modern psychological excuses and commercial propaganda; he was a staunch individualist; his warm and friendly sympathy was sincere and never cheapened by sentimentality; his mind cut through symbols to reality; too understanding to be old-fashioned, too seasoned to be modernistic, he stood, to Faculty, students and graduates, during the quarter century of his service to the Law School, as a balance wheel, one who believed that it is wise to make haste slowly.

Very especially does this Law Review realize the extent of its debt to Professor Lloyd. From 1908, when it became the Law Review of the University of Pennsylvania, to the time of his death, the Review was a paramount interest to him. For thirteen years he was chairman of the Faculty Committee which helped to guide its editorial task and its business policy. Its volumes, which contain so many of his writings, will be an enduring tribute to him as scholar and guide of high ideals.