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Hiram F. Stevens and the Founding of the St. Paul College of Law

Abstract

The St. Paul College of Law, one of William Mitchell College of Law's predecessor institutions, was established by five attorneys in 1900. Especially prominent among these attorneys was Hiram F. Stevens (1852-1904), who served as the first dean and was also a legislator, teacher, scholar, popular orator, and a founding member of the American Bar Association.

Keywords

Hiram F. Stevens, St. Paul College of Law, legal education, American Bar Association

Disciplines

Legal Education | Legal History

Hiram F. Stevens

and the founding of the St. Paul College of Law

By Douglas R. Heidenreich

ON NOVEMBER 23, 1900, five distinguished St. Paul lawyers signed a document that created, out of nothing, a night law school. In its first century, the law school would produce politicians, trial lawyers, office lawyers, judges, business executives and, like all law schools, a small collection of rogues. The graduates of the law school profoundly influenced the course of history, not only of the Twin Cities and Minnesota but, to some degree, the nation.

The St. Paul College of Law, soon to be designated "The Lawyers Law School," was to be a root to which would be grafted, 56 years later, the Minneapolis-Minnesota College of Law, successor to

four evening law schools in Minneapolis, each with its own rich history.

The course of study at the new St. Paul College of Law was to be three years in length.

Students who had studied at other law schools could gain advanced standing and enter as second-year students. Similarly, students who had pursued, perhaps in a law office, "a course of studies equivalent" to the work offered in the first year at the St. Paul College of Law, could be admitted to advanced standing upon passing the first-year exams. Anyone with a high-school diploma or equivalent education would be eligible to attend. All classes would begin at 7:30 p.m. and last for one and one-half hours. Tuition would be \$60 per year.

Prof. Douglas R. Heidenreich, '61, joined the William Mitchell faculty in 1963 and served as dean 1964-75. He teaches commercial transactions, contracts, negotiable instruments, and professional responsibility, and contributes regularly to *Bench & Bar of Minnesota*, *Hennepin Lawyer*, and law reviews. Prof. Heidenreich is researching and writing a centennial history of William Mitchell College of Law and its predecessors and will contribute several articles on the law school's history to *WILLIAM MITCHELL* magazine.

The college's first *Catalog and Announcement* says the school was created as a result of a meeting of a committee of Ramsey County lawyers, called together in the spring of 1899 by the president of the Ramsey County Bar Association. The lawyers saw the need for a night law school that would serve working students in St. Paul.

From that larger group came the five founding fathers. A faculty of about a dozen lawyers and judges, including several members of the original larger group, came together to begin teaching in the college. The catalog said classes would be held "on the top floor of the Court House," a fortress-like stone building occupying the block bounded by Fourth and Fifth, and Wabasha and Cedar streets, since replaced by the present Ramsey County Courthouse. The facilities, thanks to the cooperation of the Ramsey County board, were made available to the college free of charge.

The first catalog also noted: "The Faculty gathered together form a corps of able and experienced instructors, who are inspired by love of their profession and not lucrative gain. It is their aim to create a school where quality of instruction and not numbers, where merit and not influences, may be the controlling elements."

WORKING FOR A nonprofit corporation with no capital or property and offering a course to about 20 students, each of whom presumably paid tuition of \$60 per year, the first faculty indeed must have been inspired by love of the profession rather than any prospect of "lucrative gain." The five founders were all listed as faculty members. With one exception, all taught for several years.

They were remarkable men. At least two held law degrees from distinguished universities. Four were well established; one was a young lawyer of promise. All had won the respect of the residents of the young but rapidly growing city in what was hardly more than a frontier society.

Only two generations before the founding of the college, the city for which it had been

named had been the muddy flats where Pierre "Pig's Eye" Parrant, described in one history of the city as the "lawless fellow... who felt the chief end of man was to drink and sell whisky," had settled at the mouth of Fountain Cave following his expulsion from the nearby Fort Snelling Military Reservation.

Indeed, there must have been still living in St. Paul at least a few people who had witnessed the erection in 1841 of Father Galtier's tiny log chapel that would give its name to the river-landing community, previously known as Pig's Eye, in grudging recognition of its most notorious, though not illustrious, denizen.

The incorporators of the college and members of its first board of trustees were Hiram F. Stevens, dean; Ambrose Tighe, treasurer; Clarence W. Halbert, secretary; Thomas D. O'Brien; and Moses E. Clapp.

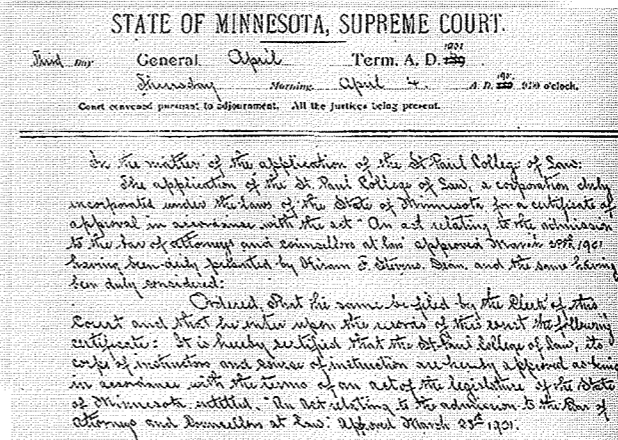
Halbert, a graduate of the Yale Law School and, at 25, the youngest, in addition to teaching agency law, served as the college's secretary and acted as its representative at professional meetings and in negotiations of various sorts. He appears to have been the most active in the affairs of the college beginning about 1904, and he dis-

appears from the college's faculty and board about 1917, following unsuccessful negotiations for a merger of the college with the University of Minnesota Law School.

Moses E. Clapp, a graduate of the University of Wisconsin Law School and a former Minnesota attorney general, while remaining for 10 years a member of the board and for 13 a nominal faculty member, seems never to have taught a class at the college. The ink was barely dry on the incorporation documents when he was chosen in 1901 to fill the unexpired U.S. Senate term of the renowned Cushman K. Davis, who had died in office.

Although the 1901-02 catalog called him a "Special Lecturer," thereafter

Clapp's name appeared on the list of faculty with the designation "Course omitted because of absence." It was never suggested he would be present to teach a course. Clapp, the independent-minded "Black Eagle," was, following a colorful Senate career, defeated by Frank B. Kellogg in the primary election of 1916. He remained in Washington



WILLIAM MITCHELL
COLLEGE OF LAW
STORIES FROM A CENTURY
1900-2000



ALBERT L. ARRIVEE



ALBERT H. CHRISTENSEN



L. E. THAYER



EMMET H. ALEXANDER



CHARLES T. DORNELL



DANIEL A. COLEMAN



LOUIS MAC. GORDON



RAYMOND A. JACKSON



GEORGE C. GUDERMUND



EDWARD A. WATKINS



HIRAM F. STEVENS, DEAN



JOHN F. SELL



JOHN T. ROSENTHAL



GEORGE H. ROOT



HARRY P. CONWAY



HORACE G. BENEDETT



LOUIS H. SCHULTZ



OSCAR F. CHRISTENSEN



ERNEST S. GANT



CHARLES S. HAWKER



FRED B. PHILLIPS

FIRST GRADUATING CLASS
ST. PAUL COLLEGE OF LAW
1902

TOP: On April 4, 1901, the Minnesota Supreme Court certified that the St. Paul College of Law met statutory requirements for its graduates to be admitted to practice without taking a bar exam. LEFT: Members of the class of 1902 were the first graduates of the law school. Dean Hiram F. Stevens is in the center. Author Heidenreich says Raymond A. Jackson, to the immediate left of Stevens, "seems to have been admitted twice."

for the rest of his professional life and he died there in 1929.

Thomas D. O'Brien, probably the sole Democrat in the group, was a member of a remarkable family of lawyers and public servants. Born to Irish immigrants on Lake Superior's Madeline Island, he came as a small child with his family, first to St. Anthony, then to St. Paul, where, as a young man, he read law and was admitted to practice at the age of 21. His exceptional career included a term as Ramsey County attorney and a brief stint on the Minnesota Supreme Court. He taught corporations and Minnesota practice at the St. Paul College of Law and was the last of the founding fathers on the board of trustees, serving until his death in 1936. O'Brien served as well as the dean of the St. Thomas School of Law during its brief existence, from 1923 to about 1933.

Ambrose Tighe taught "Elementary Law," municipal corporations and, for a time, insurance law and served as the college's first treasurer. He held

B.A. and M.A. degrees from Yale University and he had taught Roman history and law there before moving to Minnesota. He, like his fellow trustee Hiram Stevens, attended the law school at Columbia College (now University), but seems not to have taken a degree there.

Tighe was an acknowledged expert in local government. He served as a member of St. Paul's Charter Commission and later, while serving in the Minnesota House of Representatives, shepherded through the Legislature several important bills relating to municipal government. An active member of the Minnesota State Bar Association, he was its president in 1920.

Hiram Fairchild Stevens, perhaps the most distinguished of the founding fathers, was an eminent lawyer, sometime legislator, teacher, scholar, and a popular orator. The son of a prominent Vermont doctor of the same name, Stevens had graduated from the law school at Columbia College. It was Stevens to whom the group looked for leadership and direction. They chose him to be the first dean of the college.

Born in St. Albans, Vermont, in 1852, Stevens was at an early age compelled, by the death of his father, to work to help support his three younger siblings. At 14 he worked as a clerk in a store. Eventually he was able to attend the University of Vermont while working on a farm and teaching school. Although he earned no degree there, by the time he was 22, he had read law in the New York offices of Judge John K. Porter and had graduated from the law school at Columbia.

Following his admission to the Vermont bar, he practiced for a busy five years in his hometown of St. Albans, during which time he married Laura A. Clary of New York and plunged into his profession at the state and national level. While soon attaining

STORIES FROM A CENTURY

"a considerable reputation as a lawyer," he helped to found the Vermont Bar

Association and served as its first secretary. It was a pattern he would repeat a few years later in Minnesota.

The young Stevens was one of six members of a Vermont delegation that met with about 90 representatives of other states on a late summer's day in 1878 at Saratoga Springs, N.Y., to create the American Bar Association (ABA). Although he remained in ABA listings as a member from Vermont for two more years, Stevens was in Minnesota in late 1879. By 1880 he had been admitted to the Minnesota bar and had formed the St. Paul law firm of Warner, Stevens and Lawrence, which was to become, at least in the eyes of the *St. Paul Dispatch*, "one of the leading firms at the bar of Ramsey County."

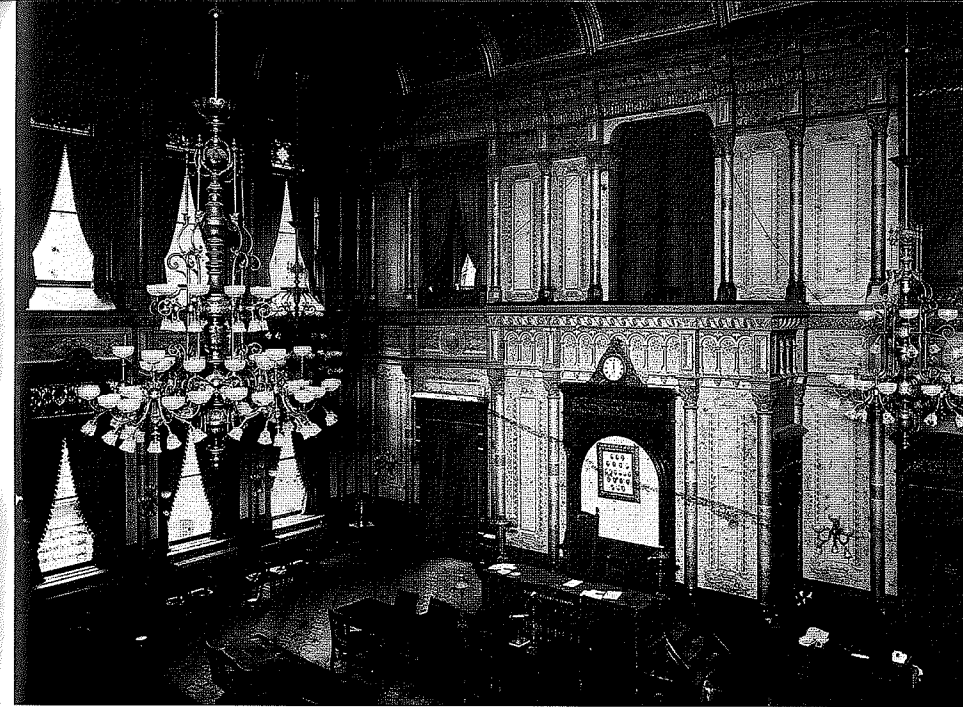
In 1880, no ABA member claimed Minnesota as home. In 1881, Hiram Stevens was the ABA's sole Minnesota member. By 1882, 17 Minnesota lawyers, including the eminent General John B. Sanborn, were members. Stevens remained active in the organization and for several years was chairman of its General Council, a representative body that apparently functioned essentially as a nominating committee.

Stevens seems to have enjoyed an almost immediate success in his St. Paul law practice, perhaps in part because he liked people and wanted them to like him. His longtime law partner, John D. O'Brien — brother to Thomas D. O'Brien, Stevens's fellow founder of the law school — later reported that Stevens had, during his first winter in St. Paul, carefully studied the city directory to "become thoroughly acquainted with the social and commercial conditions about him." John O'Brien said that Stevens "manifested sincere affection and good will" towards his fellow citizens and "evinced almost a childish desire to enjoy their good will in return, and to know of their good will."

STEVENS IMMERSSED HIMSELF in the professional and public life of his adopted city and state. By 1886 he had been admitted to the United States Supreme Court, where he was later to argue two cases. When, in 1887, a vacancy arose on the Minnesota Supreme Court, the *St. Paul Dispatch* urged, albeit unsuccessfully, Stevens's appointment to that bench. The *Dispatch*, acknowledging that Stevens was yet a young man, called him a lawyer of "prime ability," who ranked "among the foremost of his profession."

Stevens served one term in the Minnesota House of Representatives, from 1888 to 1890. Although only a freshman legislator, he was chosen chairman of the Judiciary Committee. Among the bills he is credited with promoting were those resulting in the state's first mechanics lien law, a law requiring sanitary inspection of factories, and a law requiring store proprietors to furnish seats for female employees.

In 1890, Stevens switched to the state Senate, where he served for ten years, part of that time as



ABOVE: The council chambers of the old city-county courthouse in St. Paul. The first catalog of the St. Paul College of Law said classes would be held on the "top floor" of the courthouse. It's not known exactly which rooms the law school used. **RIGHT:** In 1904 the city-county joint committee that supervised the courthouse addressed a complaint that the law school paid no rent. The committee decided the school's no-rent use of space was justified — and the college relocated a year or so later. **BOTTOM:** A news story in the *St. Paul Pioneer Press* described the St. Paul College of Law's first commencement.

chairman of the Judiciary Committee. Although he did not run in 1900, he continued to be active in Republican politics and to work for the improvement of the law. In 1901 he became chairman of a commission "to revise, codify, and annotate the public statutes of this state."

Stevens continued to promote professional organizations. Replicating his Vermont experience, he became the first Secretary of the new Minnesota State Bar Association (MSBA) in 1893. In 1895, he was its vice-president. When the organization had become moribund at the turn of the century, Hiram F. Stevens and a few other prominent lawyers breathed new life into it. He became MSBA president in 1901.

In like fashion, when in 1887 the Ramsey County Bar Association needed reorganizing, Stevens and a few others revived it as the St. Paul Bar Association. It retained that name until 1898, when the present Ramsey County Bar Association was formed.

Throughout those years, Hiram Stevens was a popular speaker at patriotic and other public events. Though he had

never served on active military duty, he spoke on at least two occasions with great fervor to Memorial Day gatherings of veterans who had served as Union soldiers in the Civil War. In 1902, the University of Vermont Alumni Association asked him to deliver an oration, and the institution bestowed upon him the honorary degree of doctor of laws.

During many of these years of busy law practice and service in the Legislature, Stevens lectured at the relatively new law school at the University of Minnesota. From 1892 to 1900, Stevens was called

a Lecturer on the Law of Real Property. The University's law faculty in the late 19th century consisted largely of part-time lecturers, many of them eminent jurists or practitioners. It is not clear, however, how often the lecturers lectured.

Robert A. Stein, in his history of the University of Minnesota Law School, notes that in 1894 some students were said to be angry because some of the eminent lecturers listed in the catalog were frequently absent. Dean Stein quotes from a newspaper story that includes Stevens's name in a list of lecturers it called "conspicuous by their absence." The story suggested that students at the law school rarely if ever saw the noted judges and practitioners whose names appeared in the list of faculty members.

Whatever the truth of the accusation, Stevens stopped lecturing at the state law school about 1900 and, for the next four years, devoted his pedagogical efforts to the new St. Paul College of Law. Apparently serious about developing a good law school, he in 1902 obtained admission for the St. Paul College of Law in the newly-formed Association of American Law Schools, a membership that was to be short-lived.

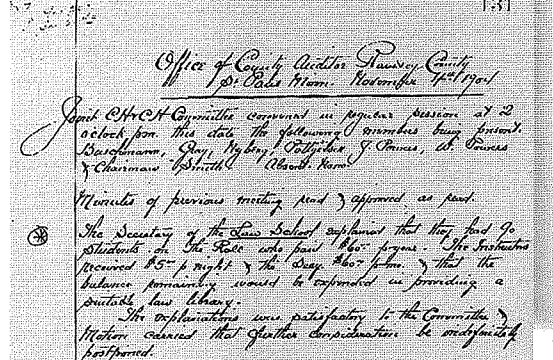
Stevens attended the annual 1902 and 1903 meetings of the organization as the St. Paul

FIRST LAW CLASS IS GRADUATED

TWENTY YOUNG MEN HONORED
BACHELORS OF LAW.

The St. Paul College of Law graduated its first class last night when, at 8 o'clock, the Park Congregational Church, 400 North Hennepin, was filled with a group of twenty young men who received their degrees from the law school. The ceremony was presided over by Dean Hiram F. Stevens, who in his address to the graduates in the class, which was held in the hall of the law school, which is now being fitted for the law school, called attention to the fact that the law school and therefore the study of law in this city had no doubt that it would be the profession which will be a credit to the city.

The members of the class are: Elliott Horace (George) Bennett, Ernest Stevens, Henry Christensen, Oscar Francis Crane, Charles Thompson, Dorcas, Harvey, Raymond Alexander Jackson, Louis McQuinn, William J. K. Pratt, Fred Boyd Phillips, Joseph Howard, Robert Schulte, John Frank, Louis, George Charles Sudtamer and Edward Andrew Waters.



College's representative. In 1902, he participated in a vigorous debate about the desirability of including "Elementary Law" in the law school curriculum. The St. Paul College carried a course with that title in its curriculum for several years, and Stevens, while modestly disclaiming any deep understanding of the issue, favored the retention of the subject in the first-year curriculum.

No representative attended AALS meetings in 1904 or 1905. Clarence Halbert, the college's secretary, appeared on the college's behalf in 1906 and again in 1907. After that, nobody represented the St. Paul College of Law at the meetings. In 1910 the association accepted "with regret" the St. Paul College's resignation.

Although in the early 1920s the college had some discussion with AALS officials about the possibility of becoming a member, nothing then came of the idea. In 1982, William Mitchell College of Law, the St. Paul College's successor, sought and was granted membership in the organization.

Stevens was known as an expert in real property law, the subject on which he had lectured at the University of Minnesota Law Department in the late 19th century. A member of several law firms during his years of practice, he also represented for some years the St. Paul Title Insurance and Trust Company. Many of his appellate cases involved issues relating to claims against or title to real property. He seems often to have been called upon to participate in the appeal even though he had not tried

the case. His classroom teaching at the St. Paul College of Law focused on real property.

He appeared as dean of the college before the Minnesota Supreme Court to present a petition seeking to have the school certified as meeting statutory requirements so that its graduates could be admitted to practice without taking a bar exam. The legislation said that in order to qualify, a law school had to offer a course of study of at least three years in "the principles and practice of law under the tuition of a corps of not less [sic] than ten competent and experienced instructors in active attendance upon such college." In spite of the fact that the St. Paul College candidly acknowledged in its published catalog that "no member of the faculty devotes his entire time to the school and there are no professional teachers among them," the Supreme Court, on April 4, 1901, issued an order certifying that "the St. Paul College of Law, its corps of instructors and course

ABOVE: Stevens's obituary in the St. Paul Pioneer Press described him as a "Foremost Member of the Bar, Educator, Author and Orator." RIGHT: The city-county courthouse was the first home of the St. Paul College of Law. It was demolished in the 1930s.

of instruction are approved as being in accordance with the terms" of the legislation.

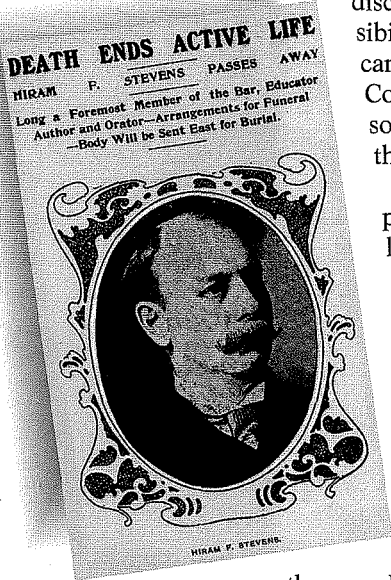
On June 16, 1902, the minutes of the court note that Raymond A. Jackson "came into court this day and presenting his Diploma from the St. Paul College of Law of St. Paul Minnesota" and, having demonstrated that he met the other modest requirements for admission to the bar, was admitted to practice, thus apparently becoming the first of the college's graduates to take advantage of the diploma privilege — admission without examination.

A few days later, the entire 20-member graduating class of 1902 was admitted under a similar order of the court. That list included the name of Jackson, who thus seems to have been admitted twice.

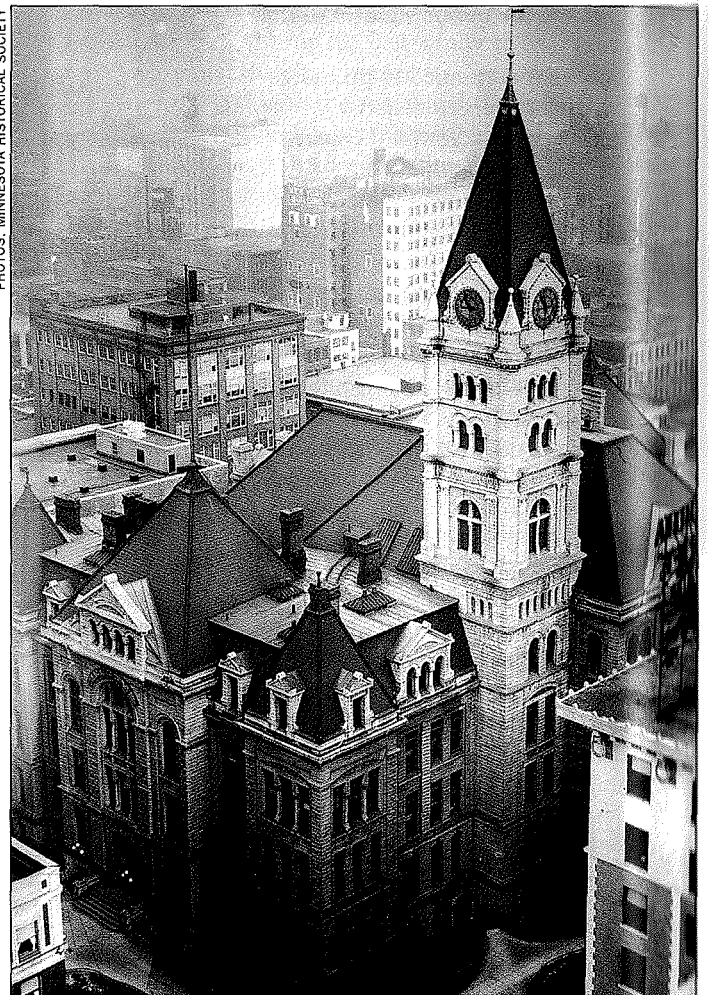
DEATH SNATCHED STEVENS AWAY on March 9, 1904. Stevens, who had been in apparent good health, was stricken by an intestinal blockage. He underwent surgery, got an infection — not uncommon in those days — and quickly died. Thus ended an illustrious career of service to the profession, legal education, and to the public.

Local newspapers mourned his loss. One called his death "a particularly sad event." The newspapers carried glowing tributes to Stevens's personal character as well as to his professional skill. The *St. Paul Pioneer Press* observed that Stevens had succeeded "notably as an instructor and interpreter of law."

Hiram F. Stevens to page 22



PHOTOS: MINNESOTA HISTORICAL SOCIETY



Hiram F. Stevens from page 6

The Ramsey County District Court adjourned on the afternoon of the funeral "in respect to the memory of the deceased." Federal and state judges, famous lawyers, law students and "a large gathering of relatives and friends" filled St. Paul's Episcopal Church "to overflowing" for the funeral service.

The Minnesota Historical Society, of which Stevens had been a member, sent a delegation led by General John B. Sanborn. Other organizations sent delegates, and there were even "several representative citizens from Minneapolis." The pallbearers included Halbert and Armand Albrecht, who had for some years been Stevens's law partner.

At a special memorial session of the district court following Stevens's death, one alumnus of the four-year-old St.

Paul College of Law described Stevens as an ideal dean who was "truly the young man's friend."

Stevens's body was returned to St. Albans, Vermont, for burial. His widow seems to have returned to the East, for her name does not appear in city directories thereafter.

Thus ended the 24-year, shining Minnesota career of Hiram F. Stevens. He devoted his life to the betterment of his adopted city and state, and the impact of his law practice, his legislative accomplishments, and his teaching remain with us today.

At the time of his death, Dean Stevens was working on a volume of historical biography of Minnesota lawyers, *History of the Bench and Bar of Minnesota*. He had previously written several articles about the history of the bench and bar of Ramsey County, and his lectures on real property had been published, but this

work — completed and published two years after his death — was to be his largest and last scholarly effort. The two-volume work, interleaved with steel-plate etchings of portraits of many of Minnesota's famous lawyers, contains general historical information about the bench and bar of Minnesota from territorial times and biographical sketches of the state's lawyers and judges. The frontispiece is a portrait of Associate Justice William Mitchell of the Minnesota Supreme Court.

William Mitchell College of Law, Stevens's most enduring legacy, continues nearly one hundred years later to enrich the state, the profession, and society with the men and women who have been able, through the foresight of Stevens and the other founding fathers, to become lawyers and to take their places among the leaders of the bench and bar. ☒