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David J. Danelski

Joseph S. Tulchin

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# CHARLES EVANS HUGHES AT CORNELL: EXCERPTS FROM HUGHES'S AUTOBIOGRAPHICAL NOTES\*

*Edited by*  
*David J. Danelski† and Joseph S. Tulchin††*

["As I look back over a life of varied activities," Charles Evans Hughes wrote in 1940, "I think that I enjoyed teaching most of all. I had a taste of it after leaving college and, following graduation from the Law School at Columbia, I held law 'quizzes' there for three years and had private classes in addition. So, when I was offered the appointment at Cornell, the lure of an academic refuge from the drive and strain of an active practice in New York, and of the opportunity for quiet study and research, was irresistible."<sup>1</sup>

[Hughes taught at the Cornell Law School from 1891 to 1893. Eventually the lure of active law practice and its rewards drew Hughes back, and he returned to the New York firm he had left when he joined the Cornell faculty. His extraordinary public rise thereafter as an uncompromising investigator in the gas and insurance inquiries, reform governor of New York, Supreme Court Justice, Republican presidential candidate in 1916, Secretary of State in the Harding and Coolidge administrations, Judge of the Permanent Court of International Justice, and finally Chief Justice of the United States is well known. Had he remained at Cornell, American history would have been altered.

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\* After Charles Evans Hughes retired as Chief Justice of the United States in 1941, he dictated notes on his life. He thought the memoir might be interesting to his children and grandchildren and useful to others wishing accurate data about him. It was first used by Merlo J. Pusey, whose prize-winning biography, *Charles Evans Hughes*, was published in 1951. A microfilm copy of the memoir was thereafter made available to scholars at the Manuscript Division of the Library of Congress with the permission of Mrs. William T. Gossett, Hughes's daughter and literary executrix. Early next year Harvard University Press will publish *The Autobiographical Notes of Charles Evans Hughes*, from which the excerpts published here were drawn. We thank Mrs. Gossett and Harvard University Press for permission to publish the excerpts.

Our commentary and footnotes appear in brackets. Hughes's original footnotes have been retained and renumbered, and they appear without brackets, as does his text.

† Professor of Government, Cornell University; member of the Bars of Illinois and Washington. LL.B. 1953, DePaul University; B.A. 1955, Seattle University; M.A. 1957, Ph.D. 1961, University of Chicago.

†† Associate Professor of History, University of North Carolina. B.A. 1959, Amherst College; Ph.D. 1965, Harvard University.

<sup>1</sup> [Letter from Chief Justice Charles Evans Hughes to the *Cornell Law Quarterly*, in Taylor, *Charles Evans Hughes—Professor*, 26 CORNELL L.Q. 1, 1 (1940).]

But there is nothing surprising about his decision to become a law professor. In view of his academic achievements, his scholarliness, and his qualities of mind, it would have been surprising if he had not felt "the lure of an academic refuge."

[Largely self-educated, Hughes began college at the age of 14 at Madison (now Colgate) University. Two years later he transferred to Brown University. An excellent student, he was elected to Phi Beta Kappa and graduated third in his class. His parents assumed that he would follow in his father's footsteps and enter the ministry. But young Hughes had other ideas. When he was writing the class prophecy at Brown, one of his classmates asked him what he intended to do after graduation, and he answered that he would probably take up teaching. He had a vague notion that he might earn enough teaching to enable him to study in Germany for a year or two to prepare himself for a college position. "Of course," his classmate responded laughingly, "you will be a lawyer." "This struck me," Hughes recalled years later, "as a novel suggestion. I knew nothing of law and I had no acquaintance with lawyers, judges or courts. My life at home had been remote from such contacts."<sup>2</sup> But the idea of becoming a lawyer nonetheless fascinated him. He had heard that Samuel H. Ordway, Brown's valedictorian in 1880, was making an impressive record at the Harvard Law School, and he admitted he envied the advantages of such an education. He felt, however, that he could not burden his father with the expense of a law school education.

[Determined that he would be self-supporting after graduation, Hughes registered with a teachers' agency as a prospective secondary school teacher of Latin and Greek. He had several inquiries, but interest in him would evaporate as soon as the school principal inquiring learned that Hughes was but 19 years old. Late in the summer following his graduation, Hughes was pleasantly surprised by an offer of a position as a last minute replacement to teach Latin, Greek, and mathematics at Delaware Academy in Delhi, New York. An attractive feature of the offer was that it permitted him to read law in the afternoons if he desired. Regarding the offer as a stroke of luck, Hughes accepted it with alacrity. James O. Griffin, the Academy's principal, met Hughes's train at Delhi, and when he saw the young man, he was visibly disappointed. He told Hughes that he had not expected him to look so young, scarcely older than the students he was supposed to teach. Hughes asked that he be at least given a chance and was ac-

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<sup>2</sup> THE AUTOBIOGRAPHICAL NOTES OF CHARLES EVANS HUGHES ch. 6 (D. Danelski & J. Tulchin eds., forthcoming).]

cepted on a trial basis. Hughes and Griffin became good friends. Four years later, Griffin went to Cornell as a member of its German department, and he did not forget young Hughes.

[Hughes enjoyed teaching at the Academy and life in Delhi, but his reading of Kent, Maine, and Washburn had developed such a keen interest in the study of law that he decided to go to Columbia Law School. Assured of financial help from his father for two years, the usual period of law school study in those days, he entered Columbia in the fall of 1882.

[As in all things he undertook seriously, the study of law consumed Hughes. By day, he listened to regular law school lectures; by night he attended private law "quizzes" and participated in moot court. During his last year at Columbia, he attended, for purposes of review, lectures he had heard the year before. Not content with only the academic side of law, he worked in Walter S. Carter's law firm, without pay, the summer before his senior year. His constant and rigorous application was rewarded. Hughes graduated at the top of his class in 1884 and passed the New York bar examination with the highest score then recorded—99½ percent. In addition, Carter thought so well of Hughes's summer work that he offered him a clerkship with salary after graduation. But Hughes had worn himself to a frazzle in the process—he weighed only 124 pounds and was plagued by a chronic cough—and had to take a long vacation to recoup his strength before he could begin work in Carter's office.

[In practice, as in law school, Hughes worked extraordinarily hard. For three years he conducted "quizzes" at Columbia and had private classes as well, and on "free" evenings he could usually be found working in the office. Carter was highly pleased with the young man's work, for in 1887, he offered to make Hughes and another of Carter's young protégés, Paul D. Cravath, his partners. On January 1, 1888, the firm of Carter, Hughes & Cravath was established. The division of general fees was 60 percent for Carter, 24 percent for Hughes, and 16 percent for Cravath. In addition, Hughes and Cravath received half of all fees on business they brought into the firm.

[The firm of Carter, Hughes & Cravath thrived and prospered. Cravath's work on behalf of the Westinghouse Company had increased to such an extent and was so distinct from the firm's other business that a branch office was established for him in another building. Hughes worked in both offices, carrying on commercial work in the old office and writing briefs and helping Cravath in Westinghouse matters. But this, Hughes recalled, "proved to be an impossible task," and as a re-

sult the firm dissolved.<sup>3</sup> Cravath established his own firm with John W. Houston, and Carter and Hughes took Fredric R. Kellogg into their partnership. Soon after Hughes came to Carter's office he had taken a liking to Carter's daughter, Antoinette, but as he was Carter's subordinate, he was adverse to paying special attention to her. When he became a partner in 1888, he felt matters were different. With independence came confidence, and in the summer of 1888 Hughes began to court Miss Carter. Before the year was out, the young couple was married, and in November of the following year, their first child, Charles Evans Hughes, Jr., was born.

[Early in 1891, Hughes had almost every reason to be happy. He had a fine family and an attractive home which he had just purchased on West 88th Street, near Riverside Drive. He had professional success, and his future at the bar was assured. Yet he was troubled. "In truth," he wrote, "despite a gratifying degree of success and an excellent outlook, I was nervously depressed because of the steady grind to which I had so long been subject. One thing that greatly disturbed me was that I was unable to obtain life insurance. I was thoroughly examined and no particular defect or ailment was found. As I was informed, I was rejected solely because of underweight."<sup>4</sup> It is at this point that the following excerpts from Hughes's *Autobiographical Notes* begin.]

[THE DECISION TO COME TO CORNELL]<sup>5</sup>

It was about that time that my old friend Professor James O. Griffin, one-time principal of the Delaware Academy at which I had taught, paid me a short visit. He was then an Assistant Professor of German at Cornell University. He asked me if I would consider a professorship, that is, of law. I said that I would jump at the chance. Bearing this in mind, when Professor Francis M. Burdick of the Cornell Law School resigned to take a chair at Columbia, Professor Griffin mentioned my name to the Cornell authorities. President Adams asked me to come to Ithaca for an interview. I did so and was offered a full professorship in the Law School, which I accepted.<sup>6</sup> This action greatly

<sup>3</sup> [*Id.* ch. 4.]

<sup>4</sup> [*Id.* ch. 6. Hughes weighed at the time 127 pounds fully clothed.]

<sup>5</sup> [This excerpt is a portion of chapter 6 of the forthcoming work.]

<sup>6</sup> [On May 26, 1891, Griffin wrote Hughes that he had had an interview with Dean Boardman and Professor Hutchins, Acting Dean of the Law School, and both wanted to know more about Hughes and his plans. He said the salary would be \$3,000. "The cost of living," he added, "is, of course, small as compared with N. Y. I have a very pleasant

distressed Mr. Carter. He thought it absurd. He pointed out my professional opportunities—even the prospect of what he termed “opulence.” That did not attract me. While I naturally enjoyed receiving the fruits of my work, I had labored just as hard in cases involving small amounts, or where we were not paid at all, as in others. It was the nature of the questions involved, the interests of the clients, and especially the opportunities for advocacy, which had appealed to me. Now I was tired, and the offer of an academic retreat, affording what I thought would be abundant time for study and reading, was so attractive that I could not refuse it. My wife, with her unflinching loyalty and unselfish interest in my well-being, strongly supported me in this decision, and in September, 1891, we gave up our new home in New York City and took up our residence in Ithaca.

The firm of Carter, Hughes & Kellogg was dissolved and Mr. Car-

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home which I rent for \$300.00 per year, and the best house on the street can be obtained for \$450.00. And the cost of table is very reasonable. If you dare consider so small a salary, come up and see us. I can assure you that you have never seen a more *beautiful* place than our campus at present. Cornell's future is great, and is assured.” On June 6, Griffin informed Hughes that the law faculty was unanimous in recommending Hughes's appointment, but the law professors and the president did not want to make the nomination unless there was at least a chance of his accepting. “All the N. Y. men, Pres. Dwight included,” wrote Griffin, “say that *you will not accept*. May I assure them that you will? The place is yours if you will accept, and you need have no hesitance in getting the *ball* rolling with Mr. Carter.” Collection of Regional History and University Archives, Cornell University.

[On June 9, Hughes accepted Cornell's offer. On that day he wrote President Charles Kendall Adams as follows:

Dear Sir.—

Your favor of the 6<sup>th</sup> inst. informing me that it is the unanimous desire of the Faculty of the School of Law that I should accept the Professorship left vacant by the resignation of Professor Burdick, has been duly received.

In reply, permit me to say that I am deeply sensible of the honor you propose to confer upon me by the nomination and that it will give me pleasure to accept the appointment.

I have hesitated in reaching this decision because strenuously urged by friends to continue in practice, but, after careful consideration, I have concluded to follow my inclination, looking forward with satisfaction to association with you and the Faculty of your University and pledging you, in advance, my conscientious service.

I remain,

Very respectfully yours,  
Charles E. Hughes

Charles Evans Hughes Papers, Library of Congress.

[On June 18, Professor Hutchins wrote Hughes that his election was unanimous and enthusiastic. “I can assure you,” he added, “that your reception by the university people will be a hearty one. If you love teaching, your life here cannot be otherwise than pleasant. . . . I am sure that you will be glad to know that the prospects for the Law School next year are very favorable. We shall probably have 150 students. Work on the new law school building will begin very soon. We expect to have it ready for occupancy by a year from this time.” Collection of Regional History and University Archives, Cornell University.]

ter brought in an able young lawyer, George M. Pinney, Jr., the business being continued under the firm name of Carter, Pinney & Kellogg.<sup>7</sup>

On the eve of my departure for Cornell, the firm gave me a luncheon at the Lawyers' Club and presented me with a copy of Lord Campbell's "Lives of the Chief Justices" and "Lives of the Lord Chancellors," of England.<sup>8</sup>

#### TEACHING LAW<sup>9</sup>

I went to Ithaca with a sense of emancipation. The setting of the University on the hill—"far above Cayuga's waters" and "reared against the arch of heaven"—proved a constant charm. We were unable to get a house on the campus and for the first year we lived on State Street, about half way up the hill. There was no trolley line at that time and the only public conveyances from the town to the campus were lumbering buses. I preferred walking, and going up and down the rather steep hill was good exercise. The air was exhilarating and I soon found myself gaining in vigor and thoroughly enjoying life.

We formed many friendships in the University circle. I believe that—being only twenty-nine—I was the youngest full professor but we were received with the utmost cordiality and without any suggestion of condescension on the part of our elders. Indeed, the most outstanding members of the University faculty, although considerably older than I, were young men. But I viewed them in the light of the scholarly reputations they had already won, and I never thought of them as young. For example, there was Jacob Gould Schurman,<sup>10</sup> Dean of the Sage School of Philosophy, who was only thirty-seven;<sup>11</sup> Benjamin Ide Wheeler,<sup>12</sup> head of the Greek Department, of about the same

<sup>7</sup> [Pinney (1856-1921) later became district attorney of Richmond County, New York, and a member of the New York Charter Commission.]

<sup>8</sup> The inscription is dated September 21, 1891.

<sup>9</sup> [This excerpt is from THE AUTOBIOGRAPHICAL NOTES OF CHARLES EVANS HUGHES, *supra* note 2, ch. 7.]

<sup>10</sup> [Schurman (1854-1942) was born and raised in Canada, studied in Europe, and began his teaching career at Acadia College. He came to Cornell in 1886 as Professor of Philosophy and became President of the University in 1892, serving until 1920. In 1899 he was appointed President of the first Commission to the Philippine Islands; in 1912-1913 he was Minister to Greece and Montenegro. During World War I he served on the New York State Food Commission. After resigning from his post at Cornell, he served as Minister to China, 1921-1925, and Ambassador to Germany, 1925-1930.]

<sup>11</sup> I am speaking of 1891 when I went to Ithaca.

<sup>12</sup> [Wheeler (1854-1927) studied philology and linguistics in German universities and, in 1887, joined the faculty at Cornell. He was appointed President of the University of California in 1899 and served for twenty years. Among his scholarly works were

age; Liberty Hyde Bailey,<sup>13</sup> of the Department of Agriculture, who was four years younger; James Laurence Laughlin,<sup>14</sup> Professor of Political Economy, who was forty-one; Harry Burns Hutchins,<sup>15</sup> Associate Dean of the Law School, who was forty-four. These men, already of note, were really on the threshold of distinguished careers. Dr. Schurman in the following year became President of Cornell; Dr. Wheeler, a few years later, became President of the University of California; Professor Hutchins became Dean of the Law School, and then President of the University of Michigan; Professor Laughlin soon went to the University of Chicago to head its Department of Political Economy; Professor Bailey became one of the most distinguished of the country's agricultural experts.

The agreeable social intercourse among the members of the faculty and the leading residents of the town gave opportunity for relaxation. Andrew D. White<sup>16</sup> still had his residence on the campus, and in the town, Henry W. Sage [1814-1897] and his sons had large mansions in which they gave generous entertainment. Mr. Sage had moved from Brooklyn to Ithaca in order to give more direct attention to the finances of the University which prospered by his foresight and unremitting care. On the campus, the professors had frequent dinner parties which were simple, but conducted with *savoir faire*, and afforded the most delightful contacts. Some of us became close companions, playing whist from time to time in each other's homes,

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*Analogy and the Scope of Its Application in Language* (1887) and *Alexander the Great* (1900).]

<sup>13</sup> [Bailey (1858-1954) was a prolific writer of popular and technical books on various aspects of botany. He was editor of the *Rural Science* and the *Garden Craft* series and author of many bulletins of the agricultural experiment station at Cornell. He organized the nature study and extension work at the University. From 1903-1913 he was Dean of the College of Agriculture at Cornell.]

<sup>14</sup> [Laughlin (1850-1933) was at Cornell only briefly after teaching at Harvard and before going to Chicago where he taught until his retirement in 1916. He was an aggressive advocate of the principles of sound money. At his death, the *New York Times* editorialized, "With a knowledge of economic theory and history possibly unequalled among American teachers he was for half a century a continuous and unsparing fighter against the recurrent popular mania for greenback inflation, free silver coinage or depression of the money standard." *N.Y. Times*, Nov. 30, 1933, at 32, col. 2.]

<sup>15</sup> [Hutchins (1847-1930) left a post as Professor of Law at Michigan to become dean of the new law school at Cornell in 1887. He returned to his alma mater, Michigan, in 1895 to be dean of the law school there. He succeeded to the presidency of the university in 1910 and served until 1920.]

<sup>16</sup> [White (1832-1918) was the first president of Cornell, 1867-1885, and one of the University's major benefactors. He also had an active diplomatic career, serving as Minister to Germany, 1879-1881, Ambassador to Germany, 1897-1902, and President of the Peace Commission to The Hague, 1899.]



trudging about the campus in daily walks, or bowling in the excellent alley of the Town and Gown Club.

The University encouraged the professors to acquire homes on the campus, renting plots at a nominal sum and lending about one-half to two-thirds of the amount needed to build a modest but commodious house. I had a few thousand dollars saved from my law practice and bought the house which had been built by Professor William Gardner Hale,<sup>17</sup> who left Cornell to become head of the Latin Department at the University of Chicago. I got the house (No. 7 East Avenue) which had an especially fine room for a library, at a bargain, and we moved there at the beginning of the summer of 1892. We were thus able to enjoy all the advantages of campus life.

The physical equipment of the Law School was meagre. During my first year the classes were held on the top floor of Morrill Hall. A new law school building was in course of construction—Boardman Hall<sup>18</sup>—and was ready in the fall of 1892 providing ample quarters for the school of that day. There were about two hundred students in the Law School,<sup>19</sup>—an earnest lot who set no limits to their efforts to make the most of their course. The faculty was small but painstaking and full of zeal. The titular Dean of the School was Judge Francis M. Finch [1827-1907], of the New York Court of Appeals, who was not only an efficient judge but possessed exceptional literary skill which gave distinction to his opinions. It was Judge Finch who wrote the college song—"Far above Cayuga's waters." Professor Hutchins, Acting Dean, was a careful student of the law and handled the administrative work with tact and dispatch. The oldest member of the law faculty was Professor Charles A. Collin, an expert in corporation law. At that time he was also legal adviser to Governor Hill and at great inconvenience, in travel back and forth, spent his weekends at the Executive Chamber in Albany. An able Associate Professor was William A. Finch.<sup>20</sup>

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<sup>17</sup> [Hale (1849-1928) taught at Cornell from 1880-1892 and at Chicago from that year until his retirement in 1919. He was the author of numerous Latin textbooks and for many years editor of the *Classical Review*.]

<sup>18</sup> Now the Law School is housed in a commodious new building—Myron Taylor Hall—the gift of Myron C. Taylor of the Class of 1894, who has had a most distinguished career in the field in industry. [See Henn, *The Cornell Law School—Its History and Traditions*, 37 N.Y.S.B.J. 139, 144-45 (1965). Taylor affectionately remembered Hughes as the most exciting and stimulating teacher he had had at Cornell and in 1956 contributed more than one million dollars for a residence hall at the Law School named in Hughes's honor. The Charles Evans Hughes Law Residence Center (commonly known as Hughes Hall) was completed in 1963, three years after Taylor's death. See Curtiss, *The Cornell Law School from 1954-1963*, 56 CORNELL L. REV. 375, 397-99 (1971).]

<sup>19</sup> The total number of students in the University was then about 1600.

<sup>20</sup> [Finch (1844-1915) came to the Cornell Law School the same year that Hughes did.]

Supplementing the regular courses were special lectures. One course was given by Judge Finch on the Statute of Frauds and Fraudulent Conveyances; another by Daniel H. Chamberlain on Constitutional Law.<sup>21</sup> Judge Alfred C. Coxe, of the United States District Court, lectured on Shipping and Admiralty, Albert H. Walker [1844-1915] on Patent Law, John Ordronaux [1830-1908] on Medical Jurisprudence, Judge Irving G[oodwin] Vann [1842-1921], of the New York Court of Appeals, on Insurance, and Goodwin Brown on Extradition.<sup>22</sup> I had many subjects,—“Elementary Law,” Contracts, Agency, Partnership, “Mercantile Law” including Bills and Notes, Suretyship, Sales, etc., and Evidence.<sup>23</sup> To cover all this ground, I had to teach not less than fifteen hours a week. In addition I held moot courts, and in my second year I gave considerable time to graduate students who were taking advanced work in my subjects. While I used textbooks, I insisted on the study of cases, and the leading cases were analyzed and discussed in the classroom.<sup>24</sup> Because of my tutorship at Columbia and my prac-

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Other members of the law faculty during 1892-1893 were Moses Cort Tyler, Herbert Tuttle, and Brainard G. Smith. *See* Cornell Univ., Announcement of the School of Law 4 (1892-1893). The 1891-1892 announcement does not mention Hughes although he also taught that academic year. A copy of the Law School Announcements for all years is available at the Cornell Law School Library, Myron Taylor Hall.]

<sup>21</sup> [Chamberlain (1835-1907) fought in the Civil War for the Union and then served in the Constitutional Convention held under the Reconstruction Act. He was elected governor of South Carolina in 1874. Upon his retirement three years later he moved to Virginia and practiced law until he was appointed Professor of American Constitutional Law at Cornell.]

<sup>22</sup> [Brown (1852-1912) held various minor positions in the New York State administration, including State Commissioner on Lunacy, where he was instrumental in establishing a system of state care for the insane.]

<sup>23</sup> [See Cornell Univ., Announcement, *supra* note 20, at 9-11. A copy of all examination papers given on those subjects for the years Hughes taught at Cornell are available at the Cornell Law School Library.]

<sup>24</sup> For a generous reference to my teaching, see the article by Justice Harry L. Taylor in the Cornell Law Quarterly for December, 1940 [Vol. 26], pp. 2, 3. Justice Taylor was a member of the Class of 1893 at the Cornell Law School; he served as Justice of the Supreme Court of New York from 1914 to 1927. [Justice Taylor wrote: “It can not be said that Mr. Hughes was not well cast in the part of professor. He bore himself with dignity but without aloofness. There was nothing of the frivolous about him; he was constantly ‘on the job.’ He created in all of us respect for his extensive and (so far as we could judge) accurate learning, his uncanny memory and his ability to ‘put over his messages.’ He never produced in us any feeling of doubt as to his genuineness or as to his desire to help us on our way to become lawyers. He grew in favor with his students as their experiences with him progressed. He was especially happy in his conduct of oral examinations of each of us privately at test times. When one left him after such a session it was with a feeling that here was a man not only capable but kindly, a man truly desirous of assisting us to develop ourselves, not a bogey man looking for a chance to ‘bust’ someone. The result of all this finally was a deep-seated regard for the man as well as the professor, something which had been growing until it was ripe and thoroughly felt and understood by us all.” Taylor, *supra* note 1, at 2-3.]

tice in commercial law, I was well up in the law of New York. And I determined to make up the deficiencies in my legal training by taking by myself a course in the Harvard casebooks. In that way I went through the casebooks of Langdell, Ames and Thayer. Whether or not the students were benefited by my teaching, I got the advantage of a self-conducted but thorough post-graduate course which in my later practice proved to be invaluable. During my first year, I was offered a professorship at the Northwestern University Law School and also one at the New York Law School which had been started by Professor Chase after he left the Columbia faculty. I declined both offers, as teaching in a city law school had no attraction for me. If I was to live in a city, it was clear that I should prefer to practice rather than to teach.<sup>25</sup>

In my second year at Cornell, as Herbert Tuttle, Professor of International Law, was away on his sabbatical vacation, the authorities asked me to take the University course in that subject.<sup>26</sup> I could not persuade them that I was too unfamiliar with international law to justify such an assignment, and with much misgiving I set myself to that new task. It meant devoting all the time I could spare from my other courses to a study of international law, but as it was in an entirely different field it proved to be a most satisfying diversion. Little did I dream that many years later I should find that year of special and exacting study a highly important, if not an indispensable, preparation for my service in connection with our foreign relations.

In the midst of my second year, thoroughly settled as we were in our home on the campus, I was faced with a difficult problem. The firm of Carter, Pinney & Kellogg was about to be dissolved, and Mr. Carter and Mr. Kellogg were insistent that I should return to New York and resume my old position.<sup>27</sup> From a financial standpoint, the offer

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<sup>25</sup> [The New York Law School offered Hughes \$5,000 a year plus a share in the School's receipts, which would have brought his yearly income close to \$6,000. "I shall stick to Cornell, however—," he wrote his parents in December, 1891, "as I prefer the quiet of this University town to the attempt to teach law in the midst of the busy metropolis with all of the disadvantages of a metropolitan residence and none of the advantages in the way of money-getting." *Quoted in* 1 M. PUSEY, CHARLES EVANS HUGHES 100 (1951).]

<sup>26</sup> [The course in international law was open to law students but was taught in the School of History and Political Science. Cornell Univ., Announcement, *supra* note 20, at 18, 20 n.22.]

<sup>27</sup> [Carter did not get along with Pinney and longed for Hughes's return to the firm. In December 1892, Carter had a showdown with Pinney which resulted in Pinney starting his own firm, and during that month Carter waged an intense campaign to persuade Hughes to return to practice in New York. On December 21, 1892, Carter wrote Hughes:

I felt, when you first spoke to me of going to Cornell, that you were making a very great mistake, and time has only served to strengthen that conviction. Moreover, I have never yet talked with a friend of yours, who did not agree with

was a tempting one. I had been unable to live on my salary. The standard salary of a full professor at Cornell was then \$3000 a year. Our

me,—with the exception of Houston and I have always thought that he was so much of a friend of yours that he felt he must offer some sort of a defense of your course. . . .

I want to say this, not only for your eye, but Antoinette's also. Nothing has ever made me more furious than to hear it urged that you left because you were afraid of your health. Who under the sun ever asked or ever wanted you to work yourself into the grave? You know—and no one knows better—that I am never happier than when I have an office full of bright young fellows whom I have a patent on being able to find. I don't know but you thought, at the time, that if you didn't do these things, they wouldn't be done well. But, Kellogg and Dwight and Rounds have shown since—by uniformly good work in this office—that they are able to take up and carry forward successfully any work which you may not have time or strength to do. You can come back and play just as ornamental a part as anybody at the Bar. You can come down late and go home early and get something more than \$3,000 a year! In a word, there is open to you today here, an opportunity the like of which has never been offered to any man of your age in this country.

The business will be the most varied that ever came to a law office. It is going to come from all nations and tribes and kingdoms under the sun, and there is going to be a great deal of it. . . .

. . . .

Tell that girl, A. Carter Hughes, that I should think life in a one-horse town like Ithaca would remind her that "a little thip was on the thea" and that both "thip" and "thea" were very small. The very idea of bringing up two such lightning calculators as you have got in Ithaca! You ought to be "batted in the beak"—both of you—for even thinking of such a thing.

On December 27, Carter wrote again:

So, you see, the way is clear for you to come so far as things here are concerned. Now, let me say, that I want you to come first and foremost on my own account. I shall be 60 years old in a few days, and I ought not to be compelled to undergo the agony of change of firm anymore. There is going to be business enough—the opportunity is a magnificent one—and, in asking you to do this, I am sure I am demanding no sacrifice.

Of course, I realize that you will not have the pleasure of life in a university town, but you will have in its place plenty of money for all reasonable wants, and the leading Court position in one of the best equipped and successful law firms in the country. . . .

And, now, I want to record a prediction which I would like to have you remember. It is this—that the firm of Carter, Hughes and Kellogg, in 1893, with you away nine months of the year, will do a cash business of at least \$60,000:—that, in 1894, with you present *all* the time, its cash receipts will be at least \$80,000 . . . and that before the 1900 point shall have been passed, we will have a business where the net amount to be divided is \$100,000 per year.

Now, if you don't preserve this letter as a whole, just clip this part out, put it away in an envelope, seal it up and write across the face of the envelope—"Mr. Carter as a Prophet."

Quoted in 1 M. PUSEY, *supra* note 25, at 101-02.

[Hughes had been persuaded. On December 29, he wrote to his wife from Chicago that he was fairly sure he would return to practice. He told her that he had just written four letters—"one to Mr. Carter, which I have mailed, and three others—to Judge Finch, Dr. Schurman, and Professor Hutchins, which are not yet mailed." "My desire to stay at Cornell," Hughes continued, "is a fancy—a whim—whether after a few years of routine I should continue to enjoy teaching better than law practice is doubtful and, if I am to return to practice, now is my golden opportunity." Finally he concluded with this personal

family had been increased by the birth of our daughter Helen on January 11, 1892. I had been unable to sell our house in New York, and carrying that property for some time without a tenant had largely depleted the balance of my savings which remained after the purchase of our home in Ithaca. I saw that soon I should have to retrench to the point of serious inconvenience or should need a larger salary, which I knew it would be difficult to get as the University wished to maintain its salary scale without discriminations.<sup>28</sup> Again, congenial as were my surroundings and work at Cornell, I was disappointed in the failure to have the opportunities for general reading and study to which I had looked forward. Far from being an academic retreat, I found Cornell to be a hive of industry, and aside from the occasional and enjoyable evenings I spent with my colleagues, my life was one of constant toil; in truth, I was about as busy with my courses as I had been with my practice in New York. Moreover, I had regained my nervous poise in the invigorating air of the hill country and I was in sound physical condition. I had obtained life insurance without difficulty, wiping out the black mark I had received in my previous rejection. So far as health was concerned, I could resume professional practice without anxiety. My wife, who had borne the burden of our frequent moves, did not shrink from another if it seemed best. Then, there was not only the professional opportunity in New York, but, Mr. Carter urged, the duty to provide a larger measure of protection for my family than was possible with the limited insurance I was able to carry. On the other hand, I did not wish to give up teaching. I was free from the worrisome demands of clients and was spared the efforts to perform miracles on their behalf.

The University through President Schurman and Professor Hutchins made a strong appeal to me to remain. During the winter holidays, while I was in New York holding interviews with Mr. Carter and Mr. Kellogg and was about to make a decision, Professor Hutchins telegraphed me that the Trustees of the University had agreed to raise my salary to \$4000. I could live comfortably on that and, deeply gratified by this evidence of my standing with the authorities, I was inclined to

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statement: "Oh my darling, I would give up all for you—and when I am asked to stretch forth my hands and take the good things of life for your sake—how can I refuse? Yes, I will take them and if there is anything in this big moneymaking world I can win, I will win it for wife and babies. I have no business to be out of the great rush. There is my place—and, if I fail and troubles come, you will know, dearest, that I did what I thought best for the little family. I could not do otherwise and think of you." *Quoted in O. KOEGEL, WALTER S. CARTER 76 (1953).*

<sup>28</sup> [Hughes earned \$13,500 during his last year of practice before coming to Cornell. See I. M. PUSEY, *supra* note 25, at 101.]

keep on with my professorship. But the arguments *pro* and *con* were so evenly balanced that it took but a slight matter to turn the scale. And that little difference President Schurman unwittingly provided. He had also come to New York, and when I went to see him full of the idea that I should accept his offer, he surprised me by not telling me of the action of the Trustees. Evidently he did not know that I knew of it and thought that in view of my interest in teaching he could persuade me to remain at the old rate. I was so put out by his failure to meet me frankly and offer me the increase which the Trustees had authorized, that I decided to accept the offer of the firm. And when President Schurman later got around to making the proposal of the increase in salary, I was already committed and refused it. I have often thought how changed my life might have been had I remained at Cornell.<sup>29</sup>

I left Cornell at the close of the school year in 1893 and in the following September we removed to New York.<sup>30</sup> I did not, however, entirely sever my connection with the Law School. I gladly accepted an invitation to become one of the special lecturers and for several years I spent a week at Ithaca delivering a course of lectures on "Assignments for the Benefit of Creditors."<sup>31</sup> I also delivered these lectures

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<sup>29</sup> [Immediately after learning of Hughes's firm decision to return to practice, Schurman penned the following note:

15 West 57th St.  
New York City  
Jan. 3, 1893

My dear Professor Hughes,

I greatly regret, but I must accept as final, your decision to leave Cornell. To the University it is a loss whose magnitude I do not care to contemplate. In view of the splendid opening before you, your decision is not surprising, and though your colleagues would all fain have prevented it, now that the die is cast, they will, I am sure, all join me in wishing you all success and happiness.

In expressing my own sincere regret at your withdrawal from Cornell, I desire to add that nothing could have been more courteous, honorable, and straightforward than your conduct of the business.

I remain, my dear Professor Hughes,

Ever sincerely yours

With best wishes,  
J. G. Schurman

Charles Evans Hughes Papers, Library of Congress. Schurman and Hughes became good friends, and Schurman supported Hughes for the governorship of New York in 1906 and 1908 and for the presidency in 1916. *See* Schurman, *Governor Hughes*, 63 *THE INDEPENDENT* 1525 (1907); *Charles E. Hughes, the Republican Candidate*, 84 *THE OUTLOOK* 404, 405-06 (1906); Letter from Hughes to Schurman, Aug. 30, 1916, Collection of Regional History and University Archives, Cornell University. In 1930, when Hughes was appointed Chief Justice, Schurman began his letter of congratulations with the salutation, "My dear Friend," and in answering, Hughes wrote: "How welcome are the words of old friends! And none could be more gratifying than yours." Letter from Schurman to Hughes, Feb. 14, 1930, *id.*; Letter from Hughes to Schurman, Feb. 16, 1930, *id.*]

<sup>30</sup> We made our residence at No. 329 West End Avenue.

<sup>31</sup> [Hughes is listed as a Special Lecturer on "Assignments for the Benefit of Cred-

at the New York Law School until the enactment of the Bankruptcy Law of 1898, and from that time until about 1901 I gave a course in Bankruptcy Law at the latter school. It was in that period that I delivered several lectures in the evening, under the auspices of the New York Law School, to young lawyers on the "Trial of Cases." I enjoyed these opportunities, but with the increase in my practice I had to give them up.

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itors" at Cornell for the academic years of 1893-1894 and 1894-1895. *See* Cornell Univ., Announcement of the School of Law 12 (1893-1894); *id.* at 12 (1894-1895). A copy of these lectures delivered at Cornell is available at the Cornell Law School Library.]