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CHAPTER III

Studying Law in Boston

It was in September of 1894 that Owen Young left Van Hornesville for Boston. He had only enough money to make the trip - make the start. His ambition had been to go to the Harvard Law School, but when the authorities learned that he was looking for a job which would pay his tuition, that he expected to do tutoring to feed and clothe himself, they said, "No." The course was so heavy that they felt that a man should give it all his time.

"Possibly they were right," Mr. Young says now. "But I did not feel so then."

And when thirty years later Harvard gave him a degree he told his fellow alumni at one of their dinners that he hoped the day had passed when a boy could be excluded from the great school, "merely for want of money."

"When I hear a man like Dr. Angell say that many boys go to college for social reasons and only because they have money, I wonder whether it would not be an antidote to take in boys who want to go to college for educational reasons and haven't the money - it may, indeed, be wise to make provisions to find such boys and make their positions, positions of honor, not merely leave them/that of recipients of charity."

However, there was another law school, that connected with Boston University - a school founded in 1871 with purposes and requirements much in advance of those of similar institutions at that date. As a matter of fact Law Schools, of which there were but thirty one then in the country, were not highly regarded. Young men had learned their law by an apprentice system in the offices of practicing lawyers, talking with their superiors, picking up procedure in the court, acting as errand boys in legal matters. It was a hit and miss education, depending almost entirely upon the young man himself / but the schools which had attempted to take the place of the apprentice system had so far proved poor substitutes.

The Boston Law School had started out to do better. It "earnestly recommended" that those who proposed to study law with the purpose of making it a profession should first complete a course of liberal studies - "take a degree in arts or philosophy." It announced a graded course of instruction which it hoped as soon as possible to make a three year's course, that is, here was a school which believed that a law student should have a cultural preparation and that he should spend a longer time at his legal studies than was usually given.

From the start the institution interested itself actively in a student who came with slender resources or, as many of them did, none at all, carrying on a kind of informal

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employment bureau, extensive and effective. The Dean, Samuel Bennett, himself, an unusual man both as an educator and a human being, Samuel Bennett, took a personal interest in the employment bureau. When Owen Young presented himself for admission Dean Bennett at once gave him time and attention. He saw that Young came much better prepared than most of the students who presented themselves. The Dean was impressed, too, by what his backers said of him, Caleb Fisher, now a preacher in Utica, New York, Dr. Charles Gaines of St. Lawrence University. Then, too, there is no doubt that he impressed Dean Bennett at once by his personality. He wanted him in his school and arranged to give him a position as an assistant in the law library - enough work to pay for his tuition. Young had an idea that he could best support himself by tutoring and the Dean promised him he would see what he could do about that. And so in September 1894 Owen Young was entered in the Boston Law School.

He had been in the habit all his life of scrutinizing a penny before he spent it, but he had certainly never been called upon to keep so strict an account of pennies as now. He put himself on a budget - Two Dollars and a half a week for a garret room - Forty to Fifty Cents a day for food and extras. He had little or no margin for such luxuries as new clothes, even new shoes. It troubled him very little but he was touched when he went home to Van Hornesville at Christmas time - his father and mother always somehow managing to find money for that -

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and realized how his shabbiness hurt his mother. Country fashion he had left his shoes down stairs by the kitchen stove one night to dry out. When he came down in the morning he saw through the open door his mother standing with them in her hands, looking at the holes in the soles, tears running down her cheeks.

"Of course," he said, "the last thing that I thought of was those holes in my shoes. I was doing the thing that I wanted to do - was too excited about it to mind a thing of that sort. But it was hard on mother."

He was not without what he speaks of as "streaks of luck." An acquaintance who realized what a hard time he was having found him a room at a Dollar and a half a week. It was in South Boston two miles away and meant walking back and forth since he could not afford Ten Cents a day for street car.

"Best thing that ever happened to me was that walk," says Mr. Young. "If I had been close to the University, if I had had Ten Cents to spend for carfare I would not have taken that exercise. I should have been always over my books."

I have never yet detected a trace of self-pity in Mr. Young's stories of his years of meagre living while studying law in Boston.

A second streak of luck - a substantial one - came in his second year.

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"I believe I've found a chance for you to earn more," Dean Bennett told him, "We have among our law students a man who has practically no background, who never has had any education. He is determined to make a lawyer of himself and he has money enough to pay for a tutor, pay well, and if you will take him on and give him what he needs in the way of instruction I think that you will have a more comfortable life. He lives at Haverhill. His name is Goldthwaite, has an office as a collector. Go out and live with him, give him what you see he needs and do some extra studying yourself. If you will do that I think that there will be no doubt but what you will graduate at the end of next year, 1896."

That was putting his three year course into two which he was anxious to do. So it was arranged that Owen D. Young become a teacher and companion for one Goldthwaite, who turned out to be one of the most picturesque and unusual human beings he ever knew.

Goldthwaite had had a romantic career. Born in the southwest, his father, a Boston man, his mother an Indian girl, he had grown up on the plains without schooling save what his mother/the cowboys and the Indians gave him. He had become an expert in all their ways. He was a handsome creature, over six feet high, straight as an arrow; all of the Indian marks, the heavy features, the black piercing eye. He wore his glossy hair long and curled a little at the ends. He had an eloquent tongue, was a great lover

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of life and activity. He had come on to Boston after his mother's death, determined to fit himself for the law. Starting with manual work on the street railways of Haverhill he had been put in charge of construction, had made money and as a first step to the law had finally opened an office as a collector of bills.

So Owen Young went to Haverhill as Dean Bennett advised. The two lived together, Young helping in the collecting and giving him whatever instruction he thought best. They never had a formal financial arrangement. Goldthwaite kept the money in a drawer and his instruction to Young was to go and take it when he wanted it. He was generous often suggesting that he take more. "Your clothes are getting shabby," he would say, "go and buy a new suit." He was himself what is called an "elegant dresser" - always wearing a Prince Albert. Young was so useful to him that he finally made him a partner and at one time the stationery was headed - Goldthwaite and Young.

Life with Goldthwaite could never have been dull and certainly introduced the young man from Van Hornesville to many new experiences, some of them highly entertaining. When Buffalo Bill brought his wild west show to Boston, Goldthwaite had known Buffalo Bill and many of his cowboys in the Southwest, and so the firm of Goldthwaite and Young went to the opening. When the invitation to the public to try a broncho was given, Goldthwaite in his long black Prince Albert mounted a horse and

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to the great joy of his cowboy friends and amazement of the public, rode him.

One feature of Goldthwaite which interested Young was his real passion for certain literature. He was a great lover of Pope and could repeat the whole of the "Essay on Man." When he discovered Byron he almost lost his head; read everything that was to be had about him and committed reams of his poetry.

But side to this adventure there was another/most important in keeping him keyed to the hard work he was doing in class room and library. It was the stimulus from outside the law school.

The young man from Van Hornesville found himself a resident in a town and in a neighborhood which stirred in him tastes and interest which had been hardly touched in the twenty years he had lived. He had always been responsive to natural beauty. The hills on which he looked from the house where he was born, the valley in which Van Hornesville lay, these he saw and they gave him pleasure. Out-cropping in his conversation are constant references to the beauty of the place where he was born.

But Boston was different. The Law School of Boston University was housed in two fine old brick houses on Ashburton Place; a walk to the left brought him in a moment to the State House and its out-lying buildings, to the Commons. To the right winding down the hill he was soon in the center of historic

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interest, and down this hill he often went. Here was Fanueil Hall; here was Marstens, a famous pre-Revolutionary restaurant, a godsend to impecunious students - not its table but the opportunities it gave to earn an honest penny. There is a persistant tradition that Owen Young waited on table at Marstens. Not true'.

In the fascinating shops which always have lined the street in the neighborhood of Ashburton Place he now saw for the first time in his life elegant funiture, fine old silver, old books, old prints, beauty as men had caught it for the things of daily life. There a collector was made, tastes aroused which have developed as life has gone on and opportunity has come to gratify and perfect them.

One of these places into which he early learned to drop, though it was to be some years before he became a regular customer, was the Book Shop of Charles E. Goodspeed. Mr. Goodspeed, destined to become a distinguished leader in his particular field was just starting out in the world.

"The young man could not buy, but," Mr. Goodspeed says today, "you couldn't know Owen Young in those years and ever forget him. It was his personality. I should always have remembered him if he had never become my customer."

The Courts themselves were additional education. He could carry on in them what had interested him so much as a side issue while he was at St. Lawrence - a study of the law in operation.

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Boston Law School had always encouraged its students to follow what was going on in the courts. In one of its yearly catalogues the proximity of the school to the Massachusetts Courts is cited as one of its advantages.

"The attendants of the school," runs the catalogue, "enjoy the best possible facilities for observing the organization and working of Courts, their interrelations, the actual process of notable cases, the arguments of eminent counsel, the ruling of judges, the processes of decision, exception, appeal, etc., and of the nearness of the State House where can be seen the functioning of the law and the processes by which are propounded, considered and amended and enacted the statutes which the tribunals of law are to interpret and apply."

There you have a formal statement of an advantage Young was to make much of in these years. Curious as he was about men he took every chance to study the ~~great~~ leading men of the Boston Bar of that day and a great list they were. Among those that he watched in action, studying their minds, their methods and their manner were - the now retiring Justice of the Supreme Court of the United States, Oliver Wendall Holmes, then associate Justice of the Supreme Court of Massachusetts - Robert M. Morse who many of the Boston bar believe to have been the greatest advocate of the time - George A. Maybury - Sherman Whipple - Charles F. Choate, Jr. - Moorefield Storey.

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From these hours spent in the Courts of Boston listening to these Judges and advocates Young carried away not only a grist of reflections on why men succeed and fail in the administration of justice, but the most entertaining pictures of their mannerisms. There was J. H. Benton who fascinated him by his manipulation of his handkerchief! Benton was of the old school, portly and dignified. His handkerchief was always arranged in the left hand pocket of his immaculate frock coat. most carefully arranged it must have been, for in the middle of an oratorical effort he would take hold of the protruding corner and slowly and steadily draw it out inch by inch until his right arm was fully extended and the linen came to an end. Young had never seen or heard of so big a handkerchief. He never forgot it and many years later when he had money to indulge his whimsies asked Mrs. Young to find him one like it. She had to go to London for it - there were none in America.

In spite of the heavy drain on strength and time of self-support, Owen Young did make the law course - a good stiff one - in two years - and in June 1896 he was graduated, cum laude. He was also chosen orator of his class, a real honor for it was based first on the judgment of his class mates who elected a certain number of candidates, then on the result of an examination of these candidates by a committee chosen by the Dean. The decision is given in the document here reproduced, below.

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In the archies of the school from which the above document was taken is preserved among other records which give his law school history a copy of this oration. It is worth considering in its entirety. What did a young man of twenty-two who had had the kind of experience I have been sketching think about things in 1896? He had not been deaf to what was going on in the world. He had been radical enough to vote for Grover Cleveland and his tariff ideas in 1892. In the Fall of the year, 1896, he would have voted for William Jennings Bryan if technicalities governing residence had not prevented his voting at all - voted for Bryan because he hated the things for which McKinley stood.

What did he think about a lawyer's relation to the world? You find out in this carefully written paper - "Professional Honor" it is called. But here is the oration - a certified copy from the Law School archives:-

"PROFESSIONAL HONOR"

Owen D. Young

"Doctor South, an eminent English divine, once said, 'That the reason of things lies in a little compass if the mind can only be so fortunate as to hit upon it.' In something of the same spirit was Omar's fanatical compliment to the Koran when he said, 'Burn your libraries, for their value is in this book.' So I believe some good prophet might say to the lawyers

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of our time, - The value of English law in your generation ~~says the boy~~, will not depend so much upon your books as upon yourselves; the reason of things you will not be so apt to find in dusty libraries as in living men.

"Let me tell you what I mean. In early times, it was the custom for men to settle their difficulties by the use of a club. Well, the idea seems prevalent today, that the lawyer is the club and that within the rules laid down by our reports and statutes, a client may use him for whatever work he pleases. This idea rests on that peculiar code of professional ethics which says that whatever is the technical letter of the law is right; so long as a client's cause can possibly be brought within a strict interpretation, it is worthy of your best efforts whether the cause itself be just or unjust, right or wrong. I cannot believe in that ideal for our profession. We must first be men, then lawyers. Our duty is to use, not to abuse the law. In interpreting the Raines Bill some of the most eminent lawyers in the city of New York have come to a profound conclusion, to wit, - that beer may be sold for four cents a glass and a lunch for a penny, and they have asked the Court of Appeals of that state to pass upon that proposition. Oh Liberty! What crimes have been committed in thy name, was the lesson of the French Revolution. Oh Law! Are crimes to be committed in thy name? It is not seals or forms, but realities that are vital. That sort

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of reality as was recognized by Lord Chatham, in that memorable speech, his final plea for conciliation of the American Colonies, 'It is not repealing a piece of parchment that can restore America to your bosom; you must repeal her fears and her resentments and you may then hope for her love and gratitude.' The true lawyer must plead the principle not the word, the reason not the form.

"But the objector says, if you do not follow the technical letter and the written rule there would be no justice; all would be uncertainty. If a statute were never misapplied, that statute could never be corrected; If a rule of law are never abused, the true rule would never be established; as if the establishment of law in itself were an end, instead of a means for securing justice. They tell us the lawyer is not the judge and therefore he may honestly plead a bad cause if that cause be only legal. Aht I fear it is only a more modern way of offering the thirty pieces of silver. It is only a modern way of leaving justice with thieves and robbers and a scheme for excusing the Levite and the Pharisee who wish to pass by on the other side. The question is never what a lawyer can do but what a man ought to do.

"A writer on our social characteristics has used many pages to demonstrate the fact that never before in the history of the world has the altruistic feeling in the community been so all-prevading. Never before has the individual or public

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character been so sensitive to wrong or misery, however humble the subject on whom it is inflicted. 'Without this feeling' he says 'our laws would be absurd and our democratic institutions impossible.' For example in America we recognize but one Czar and that is a majority and yet our majority treat the opinions of the minority with respect and no matter how high party feeling runs, the acts of one party are seldom if ever, entirely reversed by its successor. The reason of this does not lie in State Constitutions nor in Public Statutes but in the sensitiveness of the public conscience to wrong. I cite this to show you that after all, the greatest force in the community today is not the letter, but the spirit of the law.

"As much as the moral standard required of the lawyer has been raised, even more his temptations have been multiplied. Never before in the history of English law has the inducement to swerve from principle been so great. The regime of anarchy on the one hand and that of centralized power and corporate wealth on the other, are dangerous to a stable equilibrium and a constant rule. Our legislatures are making much law that is little better than a series of concessions, confessions and compromises.

"In this connection I am reminded to repeat to you that story told by Wendell Phillips of Peter the Great. When plans were submitted to that ruler to connect by road the two great cities of the Russian Empire and he inquired why the route was

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so wavering and circuitous, the engineer said, 'It bends to the right to accomodate the great agricultural district here, and to the left as an outlet for a great commercial town there.' The great Czar took his pencil and drew a straight line between St. Petersburg and Moscow and said, 'Build me that road.' The lawyer of the future must draw straight lines for principles and with the great Reformer say, 'I hate that word compromise.'

"Never before in the history of free government has the danger to our institutions been greater than now. Never before has there been more need of the great conservative power in the state exercised by the law. On no other profession rests a greater responsibility, but, if we fail and through our failure this latest step in the evolution of English government is made impossible, we shall not be allowed to say that it was because of lack of law. It was lack of men.

"The great lawyer of the future will be the man who has the faculty for seeing right; the man who has the courage to tell what he saw; the man who has the stability to maintain what he said.

"All that I have said to you and all that I desire to say is completely summed up in that comment of Washington's with reference to the adoption of our present Constitution, 'Let us raise a standard to which the wise and honest can repair; the event is in the hands of God.'"

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Thirty years after the oration was written Owen Young was asked for his judgment on the future place of engineers in our social system. "That," he replied, "would depend on whether or no they let their superior knowledge of engineering paralyze their broader activities as men.

"Engineering like all the other professions," he said, "is not a self-suffidient, God-given art in itself. It only deals with tools. Over and above the technique of the skilled craftsman, in any art, you must educate and develop a man. When you do, whether he be lawyer, or engineer, or preacher, or merchant, or painter, or author, he will take his place in the major activities of life."

How like the thinking of the boy of twenty-two is this of the man of fifty-two. "The value of English law in your generation," says the boy, "will not depend so much upon your books as upon yourselves; the reason of things you will not be so apt to find in dusty libraries as in living men."

And again. "We must first be men, then lawyers. Our duty is to use now not to abuse the law."

If he ever doubts now the final success of what he called then, "this latest step in the evolution of English government," he no doubt believes now as he did then that the failure if it comes will be due not to lack of law, "but to lack of men."

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He had taken the second step towards the law, had the diploma of an accredited school to prove it. But there was still a third to take - the bar examination - which in Massachusetts where he wanted to practice, in Boston, itself, if possible, was purposely made severe. He arranged to take the examination in July after his graduation. It was held in Salem and it is quite characteristic of Mr. Young's pleasure in beautiful and interesting settings, that a reference to Salem, Massachusetts, arouses him to speak of the beauty of the old Court House where he appeared that July day of 1896.

The examination was by all accounts even more severe than had been expected. There was a long list of candidates who were called in alphabetically - Young coming at the foot of the list. When his turn came he found written over the door of the room by the disappointed youths that had preceded him, "He who enters here, leave all hope behind."

But it was another story with him. He stood his examination so well, made so strong an impression on the commission, that its Chairman, Judge Elbridge Burley, asked him to go home to dinner with him, thought he could suggest something that he might like to consider. ~~And he did.~~ What Judge Burley had in mind was that this young man should take charge of his office - Burley was counsel for a large number of textile manufacturers in that part of New England and had a large and prosperous business. He was growing old, must have

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a successor in sight, possibly this young man might be the one. At all events he proposed that in the coming Fall Owen Young enter his office on a salary.

Judge Burley must have been a considerate man. Apparently he realized that this youth to whom he had taken so strong a liking had been working to the limit of his forces, needed a rest needed to put a little more flesh on his bones, wipe the dark circles out from under his eyes. "Go home," he said, "I'll advance you Two Hundred and Fifty Dollars on your salary. And in September when I get back to work, after my vacation, I'll telegraph you to come on."

It sounds a good deal like a fairy story, this immediate opening, so unusual an opening, this reward of courageous work and steady purpose. One would like to think that it always happens; ~~but~~ and as a matter of fact so far it had always happened to Owen Young. There seems never to have been a point in his life as a student when an older man did not appear who sensed like Dr. Hervey, Dean Bennett and now Judge Burley, that here was unusual talent; unusual steadiness of purpose combined with a trustworthiness that men of experience knew well enough to be uncommon in the world.

And so the summer after his admission to the bar of Massachusetts he went back to Van Hornesville, happy and confident. He had done what he had set out to do - he was a lawyer. The opening which he had accepted brought his accomplishment

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nearer to him. And it must have brought great joy to his father and mother, to whom this son of theirs, breaking away from family tradiations, had been both an anxiety and a pride, to have him come back now after these long years of struggle and self-denial for them as well as for him , a lawyer with a position secured, money enough in his pocket to take a vacation. Well, it must have been a satisfying experience.

Owen Young spent these weeks at home busy helping his father with hops and corn, waiting his telegram to return. It came and he was making his preparation to leave when close on the heels of the first message came a second.

"I was watching him when he was opening that telegram," his mother once said, "and I had never seen such a look on his face. I knew that the greatest disappointment of his life had come to him."

A bitter disappointment it was for the telegram told him that Judge Burley had suddenly died. The blow, for it was that, did not paralyze his efforts. He immediately wrote to Dean Bennett, asking if he knew of any openings in Boston for which he could recommend him. And while he was waiting he went on with the hop picking of the Van Hornesville farm.

Dean Bennett was all sympathy. "It is a pity," he wrote back, "when business connections seemed so promising that all your plans should have suddenly failed." He was almost sure, he added, that a position of some sort could be secured in

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Boston. But he did not want to assume the responsibility of bringing him back until there was something definite. The Dean seems to have looked about, for the day after his first letter, September 22nd, 1896, he wrote Mr. Young that he had learned of a place, a place which would partly support himself, not entirely. If he wanted the position it would be wise for him to come to Boston as soon as practicable. Before the letter reached Van Hornesville a telegram came urging him to appear on the ground at once.

Mother Young used to tell of the excitement in the family when the telegram came. Owen was in Herkimer but his father lost no time in hitching up the horse and carrying down the message. There certainly was no delay then, for the boy did not go home but took the first train out, Mother Young packing and sending his belongings after him.

The people on the Van Hornesville farm were for the first time learning something about the ways of a busy world. There you did not stop and discuss, wonder, delay in making up your mind. You seized the thing as spon as it was offered - it was a little bewildering, but by this time they must have come to believe that Owen knew his business better than they did.

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