



Opening the Frontiers:

A frontier school is born

By Jeffrey L. Cruikshank
and John Sedgwick¹

In the midsummer heat of late July 1830, a slender, handsome 28-year-old Massachusetts man named Timothy Walker boarded a train from Boston to Baltimore. The train moved at a brisk twelve miles an hour “without the least jarring,” as Walker, future founder of the College of Law, noted approvingly in his journal.

The next leg of his journey was less congenial: a bone-rattling mail stage over the Alleghenies, along “the roughest road I have ever traveled,” through Frederickson, Brownville, and other dusty towns, and finally to the Ohio River port of Wheeling, Virginia. From there, the elegant steamboat *Emigrant* transported him in style down the broad, curving waters of the Ohio River.¹

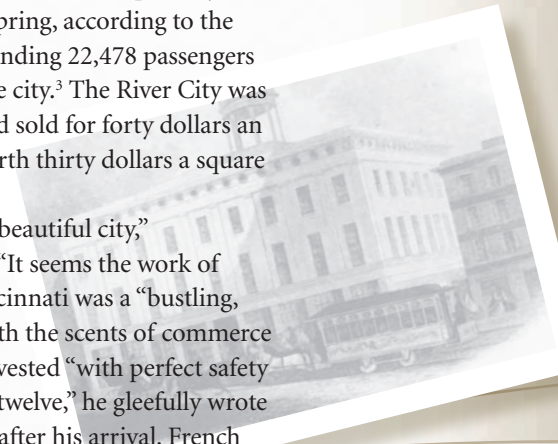
Walker’s destination was Cincinnati — the River City, the largest and most vibrant community on the Ohio — which then marked the advancing edge of the American frontier. From his vantage point on the deck of the *Emigrant*, Walker could see impenetrably thick woods pushing right up to the river’s western shore.² But now, as he disembarked on the public landing on Front Street, he was startled to find hundreds of solid, handsome houses lining orderly streets, a sprinkling of white churches with soaring steeples, and a clutch of stout factories spewing fumes as they cranked out tools, furniture, fur hats, cotton goods, leather, soap and candles — outgrowths of and complements to the city’s thriving trade in wheat, corn, pork and whiskey. Her shipyards launched some thirty steamboats a year, making the city one of the nation’s largest boat builders.

Timothy Walker arrives in Cincinnati aboard the *Emigrant*.

And these commercial vessels were desperately needed: In four months that spring, according to the Cincinnati Directory, an astounding 22,478 passengers were delivered by river into the city.³ The River City was booming. Choice land that had sold for forty dollars an acre back in 1789 now was worth thirty dollars a square inch.⁴

“I am delighted with this beautiful city,” Walker exulted in his journal. “It seems the work of enchantment.” To Walker, Cincinnati was a “bustling, thriving” metropolis, sweet with the scents of commerce and profit. Money could be invested “with perfect safety at ten percent and sometimes twelve,” he gleefully wrote to a friend back home shortly after his arrival. French historian Alexis de Toqueville, who spent time with Walker when he passed through the thriving city in 1831, seconded the sentiment: “The image of industry and labor [was] obvious at every step.”

Not that Walker was viewing this solely with an investor’s eye. He was a lawyer, a recent graduate of Harvard’s law school, and he knew that vibrant commercial centers needed legal talent to make business go smoothly. Walker had come to Cincinnati because he was frustrated by the legal system that pertained in his native Massachusetts and throughout the east: It required every law school graduate to “read law” — that is, to apprentice himself to a working lawyer — before he could secure a license to practice on his own. (Massachusetts, which demanded a three-year apprenticeship, was among the toughest.) To Walker, this was a thinly disguised form of indentured servitude.



Cincinnati Law School, rebuilt in 1845.

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Life on the frontier, however, was different. Ohio required only two years of apprenticeship — one of which might be waived in light of his Harvard training — and a year in residence in the state. After that, Walker could be licensed to practice on his own. He would pay the requisite dues in Cincinnati, and then return to Boston, where as a practicing lawyer he could seek and gain speedy admission to the Massachusetts bar.

Or at least, that was the plan.

Living by his wits

Walker was in every sense an Easterner — born in rural Wilmington, Massachusetts, in 1802, and raised and schooled there — but was in no way privileged. The second son of a hardscrabble farmer who died young, eleven-year-old Timothy and his older brother were left to work the soil and tend to the farm animals. It wasn't until the boys' mother remarried six years later that either of the Walker boys was able to attend school.⁵

Walker scrounged the money to attend Harvard, and — upon enrolling there in 1822 — began to demonstrate the brilliance that started to win him a rapidly expanding circle of admirers. As a junior, he was hired by his philosophy professor to translate a thousand-page French philosophy tome into English. It took Walker a year. The result was so impressive that the professor published it under his own name — and gave Walker no credit for his contribution!

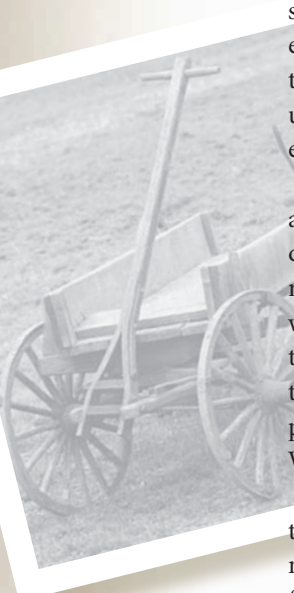
He was elected to Phi Beta Kappa, and finished at the head of his class.⁶ Geometry was his best subject, mainly because its clarity and logic held a deep appeal for him. Upon his graduation from Harvard in 1826, he was invited to teach the subject at an innovative school called Round Hill in Northampton, Massachusetts. Round Hill was headed up by a no-nonsense academician named George Bancroft, who was fond of harrumphing that he was not going to make “an amusement of what should be hard work.”

This appealed strongly to Walker, who had already developed a tough-minded attitude of his own. When his classroom duties permitted, he devoted much of his time — sometimes as many as fourteen hours a day — to the writing of a textbook on the basic principles of geometry. “My joy at writing the last word need not be described,” he noted when the book was finally

complete. The prestigious *North American Review* lauded Walker's approach as “simple and natural, his explanations clear, his original demonstrations ingenious and his illustrations easy and familiar.”

Thanks to this conspicuous triumph, both Harvard and the University of Virginia invited Walker to teach geometry, but he turned them down. Declaring Walker to be “among the most prominent men of the day,” Harvard Professor (and future Harvard President) Edward Everett recommended him to Treasury Secretary Nicholas Biddle for a post with the Bank of the United States. But no such offer materialized, and Walker returned for another year at Round Hill.

By then, he'd had enough of educating the young. He was ready to “*sustain collisions with men*,” as he put it. At the relatively advanced age of twenty-seven, he



Timothy Walker spent many hours tilling soil on his family farm.



“simple and natural, his explanations clear, his original demonstrations ingenious and his illustrations easy and familiar.”

– North American Review

turned to the pursuit that had long been in the back of his mind: the law.⁷

Learning the law in two cities

Walker started his legal education at a nearby law school in Northampton. It had been modeled on Litchfield, the fabled first law school in the nation, which, despite being located in out-of-the-way western Connecticut, had produced such political eminences as Vice President Aaron Burr and Senator John C. Calhoun. Judge Samuel Howe, a Litchfield graduate, set up his Northampton school to provide legal instruction in the same informal style practiced at Litchfield — one that allowed ample time for deep conversation between teacher and pupils, and therefore provided an intense and penetrating education. Walker took full advantage, talking with Howe for hours at a time. “Every day enhances my debt of obligation to him,” he told his diary. “Such men are blessings to society.”⁸ But Howe collapsed and died while Walker was still a student, and Walker decided to complete his legal education at Harvard.

The Harvard Law School of the late 1820s was a very tentative enterprise, housed in a couple of downstairs rooms of the gambrel-roofed College House Number 2 across from Harvard Yard. In 1828, eleven years after its founding, only two students still attended; the following year, there were no students at all. Some suggested that Harvard’s struggling experiment in legal education should be brought to an end.

But a wealthy lawyer named Nathan Dane stepped forward to endow a Harvard professorship in law. Dane wanted the chair to go to his neighbor on Massachusetts’s North Shore — the celebrated Joseph Story — in the hope that Story could revitalize Harvard’s foundering law school. Bald, with a penetrating gaze, Story was an Associate Justice on the Supreme Court, which required him both to serve as a circuit judge in four New England states and sit on the appellate court. Already seriously overcommitted, Story tried to beg off, whereupon Dane sweetened his offer with a handsome salary to supplement Story’s judicial pay, an attractive Cambridge house equivalent to the one he would have to give up in Salem, and help from another professor (who would do the bulk of the actual teaching). With those inducements, Story came around, and almost overnight, his prestige made all the

difference. In the fall of 1829, the entering class swelled to twenty-four, including the purposeful Timothy Walker, eager to get on with his life.⁹

In those days, Harvard required three years’ legal study for college graduates, a year and a half of which was to be spent apprenticing with law firms. Story disdained this archaic system. He subscribed instead to the approach of the 18th-century English legal



A view of the Cincinnati riverfront in the 1800s.

theorist, Sir William Blackstone, who believed the law to be a system of abstract thought that could far better be understood through rigorous study than by chance encounters with a random assortment of real-world cases at a law firm. In this spirit, Story’s lectures were both didactic and (as Story’s son later put it) “conversational commentary”: the better to drive home the essential legal principles behind the issue at hand.

Also to this end, over the next fifteen years Story published a series of legal commentaries, based on his lectures, to do for American law what Blackstone had done for England — that is, to map out the underlying legal principles that obtained in this country, with a particular emphasis on the commercial law that, like industry itself, was expanding rapidly in every direction.

But even the influential Story could not undo the burdensome Massachusetts apprentice system. So it was that Walker left Boston after his second year of legal study, bent on obtaining his license in the presumed wilds of faraway Cincinnati.

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A frontier school is born

Good credentials and good friends

■ It wasn't just the economic bustle of the city that Walker found appealing. The River City, it seemed, was an open society, where a man was limited only by the limits of his talent. "The question is not where or how a man was educated," he wrote approvingly, "but what he is."¹⁰ Cincinnati announced itself as a place of brisk energy. "Business, stirring, active, unremitted business is the habit of this place," Walker decided. "For incessant activity what can you call it but an immense human hive."¹¹

Armed with impressive letters of introduction from Joseph Story, Harvard President Josiah Quincy, and others, Walker signed on with the office of Bellamy Storer and Charles Fox, probably the most prestigious firm in the city. With his connections and erudition, he quickly carved a niche for himself in a city that emphasized *associations* — business and otherwise. He joined the Friday Evening Club for earnest conversation



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– Timothy Walker



Salmon P. Chase

(first topic: "The Uses of History"); the highly literary Semi-Colon club; the politically minded Cincinnati Legislative club; the New England Society; and the American Decolonization Society, advocating the repatriation of American blacks to Africa, Haiti, or the American West.¹²

Through these many associations, he came to know other young lawyers on the rise, including the tall, prodigiously talented, but rather humorless Salmon P. Chase, who would become Ohio's governor, U.S. Senator, Secretary of the Treasury in the Lincoln administration, and Chief Justice of the U.S. Supreme Court. The two high-minded Massachusetts expatriates longed for the fine talk of the eastern cities; together, they founded a Lyceum as an intellectual watering hole for educated Cincinnatians. Later, they tried to create a *Western Quarterly Review* that would bring to the frontier what the *North American Review* delivered to the east, with Walker touring the northeast trying to solicit contributions from the likes of Daniel Webster and Henry Clay — all to no avail, as it turned out.

Gradually, it became clear that Walker had moved to Cincinnati for good. His mentor, Joseph Story, could tell as much before six months were out. "I had indulged a faint hope, that we might be able to regain you," Story wrote to his former student in December 1830. "But I presume it is all over; and henceforward you are to be a citizen of Ohio. God grant you much of honor, much of profit, much of happiness in that sunny, in that new New England."¹³

Having passed the Ohio bar, Walker opened an office of his own with the fast-rising pair of Salmon Chase and Edward King. The son of Federalist titan Rufus King, Edward King had studied law at Litchfield, and then headed west and embarked on a political career that quickly took him to the heights of Ohio politics: Speaker of the Ohio House of Representatives. Only a year earlier, at age 36, he'd quit the state capital

to try his hand at lawyering in bustling Cincinnati.

Thanks to the talents and connections of the two continuing partners — Chase left after a few months to make his name in politics — the firm prospered. Walker and King conducted a practice that ranged broadly from debt collection to legal consultation, and from courtroom prosecutor to defender. And as Walker's stature and reputation grew, he was asked to weigh in on other subjects. At one point, for example, he delivered a warm speech on the legal rights of women, of which he was an early proponent. On Independence Day, Walker addressed 600 people from the back of a wagon. "[I] grew excited," he confided to his journal, "and continued an hour, and the consequence is that I have not been able to speak loud since."

In 1832, the final missing pieces of Walker's life seemed to fall into place. In that year, he married Anna Lawler Bryant, the granddaughter of one of Cincinnati's richest residents. "A beautiful jeune damoiselle who has a purse," he called her with startling candor. Once married, he declared himself "indescribably happy," adding that Anna "binds me here by a chord I never wish to sever."

Founding a law school

Although Walker's and Chase's *Western Quarterly Review* was stillborn, the experience helped stir in Walker the desire to elevate community life in a different and even bolder way: through the creation of a law school.

This was a far more ambitious undertaking than a literary journal. The apprentice system was still the dominant mode of teaching and learning law; in fact, there were only six other law schools in the entire country. By the same token — Walker must have reasoned — the field was wide open. There was no other law school in Ohio, and only one west of the Alleghenies: a small school that had been founded in 1799 at Kentucky's Transylvania University. The Litchfield school, where Walker's partner Edward King had studied, closed its doors in 1833, which may have added a sense of urgency (and opportunity) to the venture.

Seeking colleagues in this daring new enterprise, Walker turned first to his law partner, Edward King. Next, Walker enlisted Judge John Wright, a sitting

member of Ohio's Supreme Court who previously had served three terms in the U.S. Congress. (Walker described Wright as a "dapper little man" who "loved a joke well.") Wright brought prestige, credibility, and connections to the venture; King brought his own connections, as well as the Litchfield legacy; and Walker brought his strong Harvard training and his passion. Together, the three founders set out to create a new kind of law school: on the edge of the physical frontier, but also on the frontiers of legal education.

In May 1833, the local papers published a prospectus for the new "Cincinnati Law School." The school would offer "lectures on general and local law; practice in moot courts organized on the work of the several courts of Ohio; and frequent examination of the books read."¹⁴ In addition, students would be encouraged to observe Walker and King at work in their offices, and to peruse their law books. The advertisements had their desired effect: Seventeen

Founding fathers of the College of Law: (left) John C. Wright, (right) Timothy Walker, and (center) Edward King.



"Together, the three founders set out to create a new kind of law school: on the edge of the physical frontier, but also on the frontiers of legal education."

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A frontier school is born



Ellen Walker, Timothy's second wife, and their children.

students entered the school that first year, including five from out of state.

One of the matriculating students was a young man named Charles Daniel Drake. He had been born in Cincinnati 22 years earlier, but had been educated in a succession of schools in Ohio, Kentucky, and Connecticut, and had enlisted in the Navy at age 16. From early on, Drake was a wild boy, who ran away from most of the schools in which his parents placed him. His father — a distinguished Cincinnati physician — hoped two or three years at sea would give his son “steadiness of purpose and habits of regular and methodical application.”¹⁵ But the Navy experiment proved a dismal failure, mainly due to Charles’s difficulties in getting along with his fellow sailors. (Getting along with people, as it turned out, proved a challenge for Drake throughout his life.) He ultimately wound up back to Cincinnati, where he spent the early years of the 1830s working in an uncle’s law office, until he enrolled in the new school of law.

The classrooms in which Drake and his classmates studied were located upstairs from Walker and King’s law offices at the corner of Third Street and Main.

Walker’s law school was the first in the country to have a faculty of as many as three members. (Harvard, at that point, still had only two: Judge Story and his full-time helper.) Walker taught constitutional law and real property, Wright taught criminal law, and King handled commercial law. The coursework required three three-month sessions, at a cost of sixty dollars per session.¹⁶ Classes were held in the evening, so as not to interfere with Walker and King’s law practice. In keeping with Walker’s exacting nature, professors were permitted to “use the rod” in cases of “willful disobedience, although not “as a means to excitement to study.”¹⁷ Dueling was forbidden, as was entering a tavern except in the company of a professor — significant restraints in the day.

Thirteen of the students, including Charles Daniel Drake, graduated that first year. The Cincinnati Law School, it seemed, was on its way to success.

Valleys and peaks

■ In this same period, though, Timothy Walker was wrestling with personal demons that threatened to undercut his professional achievements. Always susceptible to dark moods, he fell into a profound depression when Anna died in 1834, shortly after giving birth to their second son, who had been stillborn. Two years later, Walker’s first son, Thomas Bryant, also died, leaving Walker utterly bereft. “I have been a lonely man,” he wrote later. “I have had melancholy experience of the futility of human hopes.”

Deep in mourning, he sold his house and withdrew into a secluded boarding house by the shop-lined Turkish Bazaar on Broadway. The boarding house was run by a well-educated, artistically inclined widow named Ann Wood, who had been forced to take in lodgers after her husband James died in the cholera epidemic of 1832.

By 1839, Walker, now 37 years old, had recovered his spirits enough to buy a dwelling of his own, on which he spent a very lavish \$4,000 for repairs and upgrades. The extravagance was intended, in large part, to help win the hand of Mrs. Woods’ delightful daughter, Ellen. But Ellen — eight years younger, and leery of marrying a widower who was obviously still pining for his late wife — turned him down. Still, Walker persisted, and Ellen finally relented. When the

two were married in 1840, Walker was ecstatic. Ellen was “all I could ever desire in a wife,” he told his journal. “I am too happy now.” When the union yielded a son a year later, he exulted: “I have a longing desire to leave offspring—or rather to have offspring to love, and by them to be loved.”¹⁸

Gradually, Walker regained his footing, finding fulfillment in many aspects of his life. When Charles Dickens came through town on a triumphal lecture tour in 1842, it was Walker who was chosen to receive and entertain him. During that visit, Walker told Dickens the haunting story of the Cincinnati woman who, after being jilted by her fiancé, retired into her house, where she wore her bridal dress in solitude for the rest of her days. Dickens turned Walker’s “mourning bride” into Miss Havisham in *Great Expectations*.

Perhaps most gratifying, through this period of peaks and valleys, was his unqualified success as a teacher. The *Cincinnati Chronicle* declared him:

*A gentleman who has, perhaps, as high capabilities for teaching as any other law professor in the United States. He delights in the business of instruction, and consequently performs it with an enthusiasm which seldom fails, sympathetically, to awaken and sustain the attention of every pupil. His enunciation is distinct and impressive; his style terse and aphoristic; and his knowledge of the various branches of the law, all that the student can desire.*¹⁹

And the students themselves were no less impressed. The law school class of 1839-40 wrote a letter of appreciation, hailing Walker for his “clearness and

perspicacity as a lecturer, his profoundness as a lawyer, and his urbanity and familiarity as a gentleman and friend.”²⁰

In this same period, Walker was also reestablishing his reputation as a gifted author. Since the mid 1830s, he had been deeply engaged in an ambitious new project that, if successful, would bring his ideas about law and legal education to a far broader audience. Going his mentor Joseph Story one better, Walker had set out to create the definitive text on American law.

Like Story, Walker drew his book — *Introduction to American Law* — from his own lectures. Subtitled

“Walker didn’t simply want to explain American law; he also sought to systematize it.”



Opening the Frontiers:

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Designed as a *First Book for Students*, Walker's monumental opus was intended to serve as a point of entry for law students. But it aspired to far more: Walker didn't simply want to explain American law; he also sought to *systematize* it. For despite Story's efforts in a similar vein (published as his *Commentaries*), the United States still lacked a systematic exposition of the American legal framework.

The clarity and precision of Walker's thought was apparent from the first. As he declared at the outset of the book:

The course of lectures to which this is introductory is intended to comprehend the rudiments of American law. I say rudiments, because I am persuaded that nothing beyond the principles strictly elementary, can be profitably presented in the form of lectures. The almost infinite variety of details into which this science runs, can only be learned by a laborious examination of books, and an assiduous attendance upon courts.

Nonetheless, for almost 700 encyclopedic pages, Walker makes a thorough sweep through the development of the very concept of "law"; the distinctive elements of American law; the Constitution; the "law of persons," a term that Walker uses to refer both to corporate law and contractual interpersonal relationships, such as the one between spouses; matters of property, from estates to chattel mortgages and much more; and rules of "procedure," whether they pertain to civil suits, the admiralty, or criminal matters.

First published in 1837, it was the sum of his life's work in the legal realm, and by contemporary accounts it was an astounding achievement. The *North American Review* greeted his effort with even higher praise than it had lavished on his geometry textbook, calling it "intelligible and expressive," and admiring above all its *Americanism*: "The tone and spirit of the book are such as become our country; they are congenial with our free institutions, and our expanding social character." Within a few short years, Walker was being referred to as "America's Blackstone" — a description that he modestly rejected — and Cincinnati emerged as a major center of American legal thinking.²¹

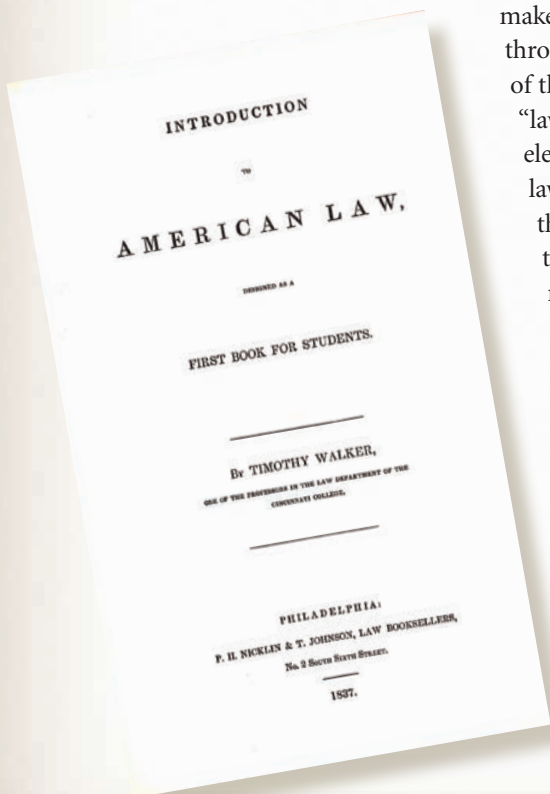
The future Justice Oliver Wendell Holmes, Jr., first encountered *Introduction to American Law* as a student at Harvard Law School. He later told William Howard Taft that Walker's book gave him "the first clear idea what the law was and what was the profession upon which he was entering." Ultimately, the book went through eleven editions and survived into the new century.

Meanwhile, Walker in 1843 made an even more adventurous foray into legal publishing when he founded the *Western Law Journal*, intended to "diffuse among the Lawyers of the West, whatever is most worthy of note in their profession." Walker sunk a good part of his personal fortune (and a decade of his life) into nurturing the *Journal*. From a financial standpoint, it was not a good bet. Lacking sufficient subscriptions and contributions, the *Journal* lost money year after year, until Walker reluctantly shut it down in the fall of 1853.

But in a broader sense, the gamble more than paid off: By focusing on *western* legal issues — which at the time meant west of the Alleghenies — Walker's journal carved out a distinctive niche for itself, and lent still more distinction to the River City.

A founder departs the scene

■ Begun as an independent entity in 1833, the Cincinnati Law School affiliated with Cincinnati College two years later, mainly to secure the right to issue diplomas. Once the institutional marriage was completed, the law school moved to the college campus on Walnut Street between Fourth and Fifth, taking rooms in a rickety two-story building. There, in March 1837, the first Bachelor of Laws degrees were granted to the current graduates, as well as to all the previous ones.²²



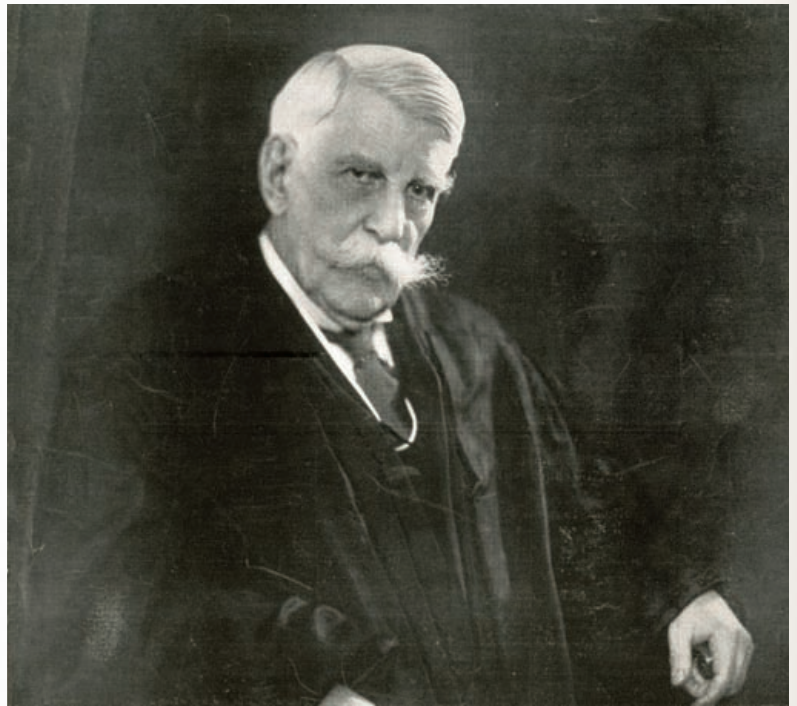
Throughout the school's first half decade of existence, the number of enrolled students fluctuated between a dozen and two dozen. It remained consistently high enough, though, that by 1839, Walker had begun to think of the school as a profitable investment — although he noted in his diary that “his motive for persevering” was not financial, but “to be useful and to acquire reputation.” The next winter, the incoming class swelled to thirty-three; and it rose to thirty-five in 1841.

But the burden of running the school remained largely on Walker's shoulders. This point was underscored in the fall of 1841, when he came down with a serious case of bronchitis, which for several weeks rendered him unable to speak in court or to lecture in the classroom. He had to cancel classes for the full year: the only time in the history of the law school that classes were not held.

A little less than three years later, in March 1844, Walker decided that it was time to withdraw from the law school that he had helped found just over a decade earlier. For the rest of his life, he concentrated on his law practice and on legal reforms — including the clarifying codification of the general laws and principles that governed Ohio, and the systemization of the criminal code, and the abolition of capital punishment. Nonetheless, his reputation continued to grow. In 1848, he was asked to speak for the entire city of Cincinnati in delivering a eulogy to the recently deceased John Quincy Adams.²³ Addressing Harvard's Phi Beta Kappa Society in 1850, he decried the still slipshod state of American legal theory. “I hold it to be a disgrace to this age and this country,” he declared, “that so much of our law should remain *unwritten* — hidden, I may say, in the breasts of our judges.”²⁴

But the challenge of legal reform proved too enormous, and Walker's time proved too short. In August 1855, a drunken teamster sideswiped Walker's carriage, slamming a loose wagon pole into his chest. Grievously injured, Walker clung to life for months before finally succumbing in January 1856.

But by then, Walker had lived long enough to be reassured that his Cincinnati Law School — now under the able direction of Dean Maskell E. Curwen, who had worked with Walker for three years on the *Western Law Journal*, and was himself a distinguished legal scholar and author — would survive his passing.



Judge Oliver Wendell Holmes, Jr.

“Walker's book gave him ‘the first clear idea what the law was and what was the profession upon which he was entering.’”

– Oliver Wendell Holmes, Jr.

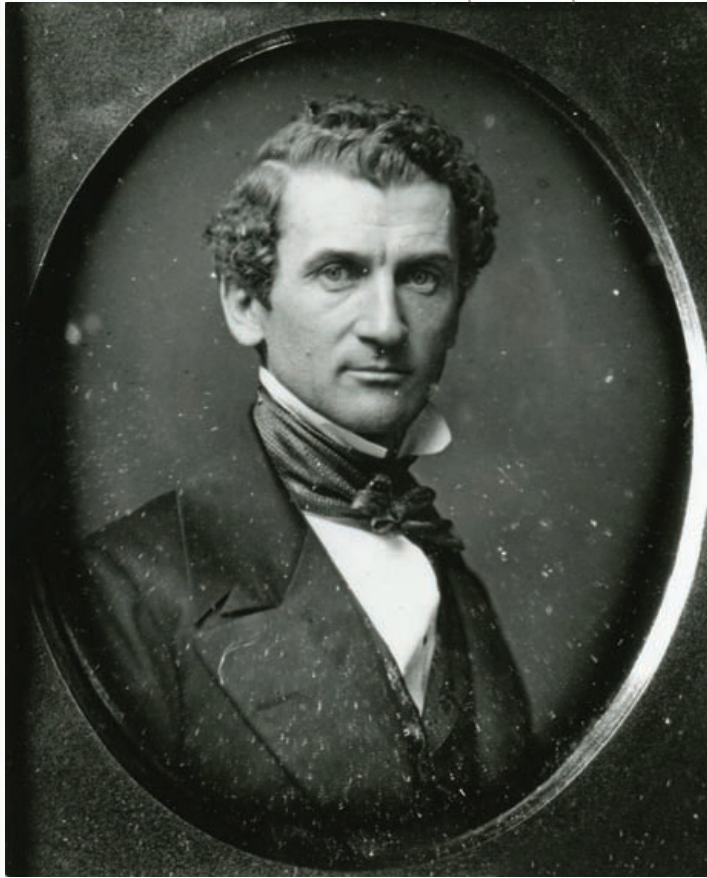
An alumnus looks back

On the evening of May 8, 1878, Charles Daniel Drake rose to address the 56 members of the graduating class of the Cincinnati Law School.

Then in his 67th year, Drake had achieved national renown since his own days at Cincinnati's first law school. He had relocated to St. Louis, where he practiced law and became involved in both the Presbyterian Church and politics. He founded (in 1838) the Law Library Association of St. Louis, then only the fourth such legal resource in America, and still in existence today. When his legal practice ebbed in the late 1840s

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A frontier school is born



Charles Drake

“Drake was one of a group of delegates who met with President Lincoln in the fall of 1863 to demand an implementation of the Radical agenda — including emancipation of all slaves.”

and early 1850s, he authored an ambitious book — *A Treatise on the Law of Suits by Attachment in the United States* — which was published in 1854, and went through multiple editions before and after the Civil War.

Elected to the Missouri General Assembly in 1859, Drake emerged as a staunch moralist (and therefore, not a particularly good politician). As for many of his contemporaries in the Border States, the Civil War challenged both his ethics and his politics. He owned no slaves himself, but he publicly decried the Northern abolitionists who sought to eradicate slavery. At the same time, he abhorred the secession of the Southern states, and — as his Unionist sentiments intensified — he came to hate the institution of slavery that had torn apart the Union. He therefore embraced Radical Republicanism, and gained national recognition as one of a group of delegates who met with President Lincoln in the fall of 1863 to demand an implementation of the Radical agenda — including immediate emancipation of all slaves. Lincoln, the consummate politician, was polite but noncommittal.

Drake was considered briefly as a candidate for governor of Missouri in 1864, and helped push a Radical state constitution through the legislature in 1865. When a U.S. Senate seat opened up in 1867, a grateful Republican party awarded the post to Drake.²⁵

Drake served only three years in the Senate, resigning in 1870 to accept the position as Chief Justice of the Court of Claims, which was offered to him by President Ulysses S. Grant. A federal court established by Congress in 1855 to hear claims against the U.S. government, the Court of Claims was by almost every measure a step down from the Senate. But Drake was no doubt drawn to the prestige of a “chief justiceship”; he may also have suspected that in light of his rapidly accumulating enemies, he would be denied reelection to the Senate in 1883.

So when he rose to speak on that spring evening in 1878 — introduced by Dean Rufus King, grandson of the school’s cofounder Edward King — he was “Mr. Chief Justice Drake.” He was the first president of the recently organized “Alumni Association of the Law School,” which survives to this day. And finally, he was the sole surviving member of his law school’s first class.

The school had gone through many changes since Drake’s day. It had been burned out of its home twice: first in 1845, and then again in 1869. The strong



Cincinnati Law School, located at 21 West Ninth Street.

leadership of Dean Maskell E. Curwen had ended with his resignation and death in 1868, and was followed by a decade of interregnum, with the deanship rotating among the school's faculty. But the still youthful school had the benefit of momentum and a strong sense of self. When the newly organized University of Cincinnati proposed a merger in 1872 with the law school — no doubt with one eye on the annual \$10,000 in rental income that the school earned on its property — the law school politely declined. At that time, the City Council appointed the directors of the University, and it seemed possible that political patronage might overly influence hiring, up to and including professors!

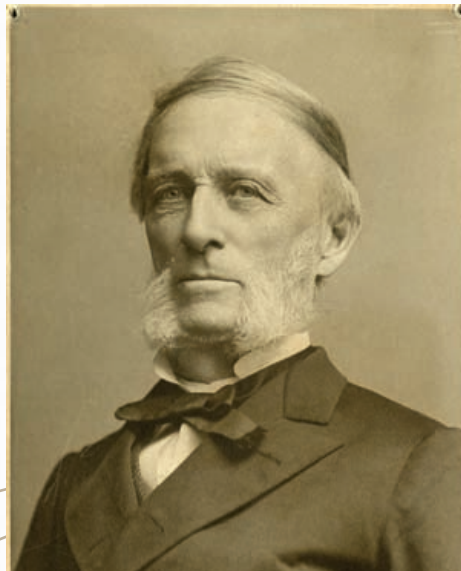
Meanwhile, the school went about its business, raising its standards and demanding more of its students. In 1874, for example, a system of written year-end examinations was implemented — a concrete (and no doubt unpopular!) manifestation of the small school's high ambitions. "Every exertion will be made," a school publication noted, "to place and keep the School in the front ranks of the Law Schools of the United States."

Drake — who probably knew a great deal of this history — began his oration by noting that he was standing just three blocks from his birthplace, and only one block away from the Lancasterian Seminary where he had begun his schooling as a boy. (He did *not* reveal

that his parents had then sent him to school out of the city to get him away from perceived bad influences in the neighborhood.) He then paid tribute to the three founders of the law school, each of whom he had known personally:

*John C. Wright, the cool-headed, logical, and learned Judge; Edward King, the astute advocate, the genial gentleman, the brilliant orator; and Timothy Walker, the earnest student, the well-grounded and solid young lawyer, the faithful teacher, and afterwards the able author.*²⁶

Then, in keeping with all commencement addresses everywhere, he offered a series of prescriptions to the young men in his audience. *Dare to be honest with yourself, he advised. Be rigorous in your thinking. Rest your cases on the controlling point.*



Rufus King

"Every exertion will be made to place and keep the School in the front ranks of the Law Schools of the United States."

– Note in an 1874 school publication

Opening the Frontiers:

A frontier school is born

To underscore this last bit of advice, Drake told a story about his visit to the White House fifteen years earlier:

And President Lincoln, in 1863, in reply to my words, "That is the point," Mr. President, said, "That isn't a point; it's a spread"; and after a little thought, I saw that he was more than half right.

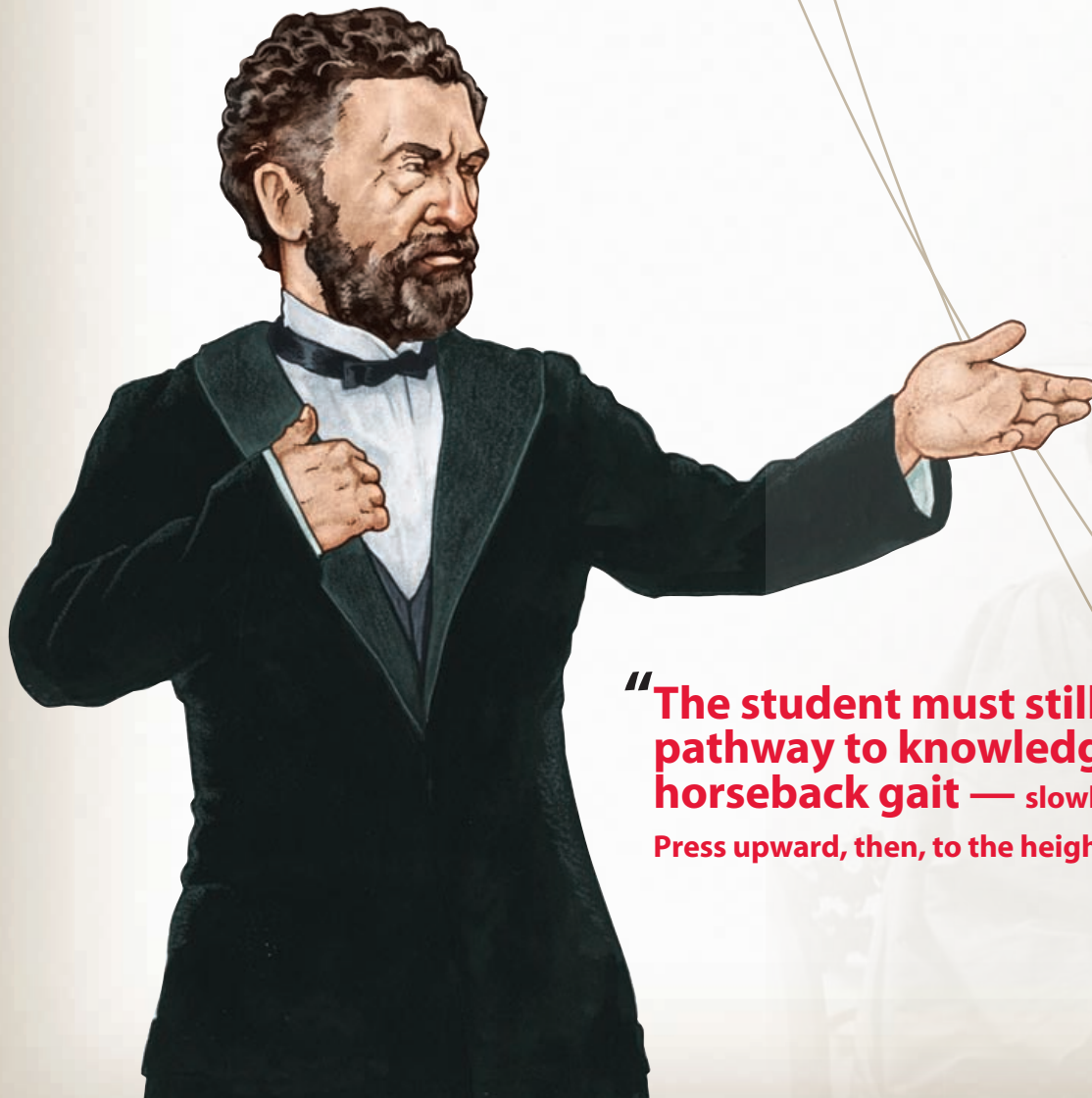
Work hard, Drake continued, resuming his serious tone. Work systematically. Follow your conscience, and espouse no causes from which your conscience recoils.

In closing, Drake recalled how in his childhood, a voyage to or from the Eastern seaboard was referred to as going "over the Mountains" — a phrase that in recent years had fallen into disuse. Back at the beginning of

the 19th century, that journey, east or west, involved a "lonesome and weary journey on horseback, through an almost unpeopled wilderness." A half century later, Drake noted, seemingly with a touch of disapproval, the same journey could be made in "luxurious ease, behind the fiery iron horse."

True, the railroads had leveled the mountains, Drake declared, as he gained momentum toward to his stirring conclusion. *But no railroad to knowledge has yet been built. The student must still traverse the pathway to knowledge at the old horseback gait — slowly, patiently, ploddingly. Press upward, then, to the heights!*

* * * *



"The student must still traverse the pathway to knowledge at the old horseback gait — slowly, patiently, ploddingly. Press upward, then, to the heights!"

Notes

¹John Sedgwick is the author of *In My Blood:*

Six Generations of Madness and Desire in an American Family, and five other books. Jeffrey L. Cruikshank, president of the Cruikshank Company, is the author of numerous institutional histories and management-oriented books, as well as a murder mystery.

¹Hitchcock, Walter. *Timothy Walker: Antebellum Lawyer*. Routledge Press, 1990: pp. 19-20

²Aaron, Daniel. *Cincinnati: Queen City of the West*, p. 20, and Silberstein, Iola Hessler, *Cincinnati Then and Now*, p. 25

³Silberstein, p. 26

⁴Aaron, p. 16

⁵Livingston, Biographical sketches, p. 560, cited in Hitchcock 3; rst of info about childhood, Hitchcock p. 2

⁶"Timothy Walker: Blackstone for the New Republic," by M. Paul Holsinger, *Ohio History*, Volume 84, p. 146

⁷Hitchcock, Walter. *Timothy Walker: Antebellum Lawyer*. Routledge Press, 1990: p. 10

⁸Hitchcock, Walter. *Timothy Walker: Antebellum Lawyer*. Routledge Press, 1990: p. 13

⁹Sutherland, Arthur E. *The Law at Harvard*.

Harvard University Press. Cambridge: 1967, pp. 92 ff

¹⁰Glazer, Walter. "Cincinnati in 1840: the social and functional organization of an urban community during the pre-Civil War Period," p. 12

¹¹Ohioan history, 147

¹²Gordon A. Christenson, "A Tale of Two Lawyers," 71 *University of Cincinnati Law Review* 457-92 (2002), p. 471

¹³Letter, Story to Walker, 11.24.1830, Walker papers (on deposit at the Cincinnati Historical Society)

¹⁴From the Cincinnati Law School's prospectus, issued on May 29, 1833

¹⁵March, David D. *The Life and Times of Charles Daniel Drake*. Unpublished thesis, University of Missouri, 1949. Our thanks to the University's very helpful librarians in Columbus.

¹⁶Hitchcock, Walter. *Timothy Walker: Antebellum Lawyer*. Routledge Press, 1990: p. 67

¹⁷Barrow, Historical Note on the U of C COL p. 290

¹⁸deChumbrun, Clara Longworth. *The Making of Nicholas Longworth* (citing Walker's journal)

¹⁹*Cincinnati Chronicle*, 09.01.1838, Walker papers (on deposit at the Cincinnati Historical Society)

²⁰From a March 1840 letter to Walker signed by a number of students at the school, Walker papers

(on deposit at the Cincinnati Historical Society)

²¹"Timothy Walker: Blackstone for the New Republic," by M. Paul Holsinger, *Ohio History*, Volume 84, p. 152

²²Hitchcock, Walter. *Timothy Walker: Antebellum Lawyer*. Routledge Press, 1990: p. 68

²³Walker, Timothy. "An Oration on the Life and Character of John Quincy Adams, delivered before the citizens of Cincinnati on the 22nd day of March, 1848, published by J. F. DeSilver

²⁴Walker, Timothy. "The Reform Spirit of the Day," Oration before the Phi Beta Kappa Society of Harvard University, July 18, 1850, published by James Munroe and Company

²⁵Many of these details come from March's book, op. cit., or from his article, "Charles Daniel Drake of St. Louis," in the *Bulletin* of the Missouri Historical Society, Vol. IX (1952-53), 291-310.

²⁶From Drake's "Address," delivered May 8, 1878, at the annual commencement of the Cincinnati Law School, LAW Microforms, Fiche 30-5418, University of Cincinnati Archives and Rare Books

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What no one in the audience that day knew, or could have known, was that the Cincinnati Law School was on the verge of scaling dramatic new heights of its own. But by the time the school celebrated its 50th anniversary in 1883 — a scant five years after Drake's remarks — the signs pointing to a new and golden era already were abundant.

Historians in recent years have shied away from the heroic approach to interpreting history. The times call forth the man, they argue, rather than the other way around. But Timothy Walker stands as an interesting exception. He changed the world around him in ways that few others could have.

Plunging into law relatively late in life — a half-decade older than many of his fellow students — he was a man in a hurry. He devised an elaborate short cut: Win a place in a prominent Eastern law firm a year or more early by doing his unloved internship in Cincinnati. Probably in that same spirit of hurried ambition, he joined multiple associations in his adopted city, and made valuable connections.

But something happened to Walker, over those next few professionally formative years. Having succeeded

beyond his wildest expectations, he found himself unable simply to *enjoy* that success. Instead, he began looking for, and finding, ways to create opportunities for others, and elevate his profession. With Salmon P. Chase, he founded an ill-fated literary review. With his law partner and a judge, he founded Ohio's first law school. When that school was firmly underway, he established and funded a law journal for western lawyers. In all these ventures — as with the geometry text he wrote in his 20s, and the sweeping exposition of American law that he produced in his 40s — he held himself to the highest of standards.

Restlessness, ambition, generosity, an openness to new ideas, and relentlessly high standards: These were the traits that Walker imbued in his infant school. They proved an enduring legacy.

To be continued ...