

April 1958

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PAUL HAMLIN, *LEGAL HISTORY: NEW YORK'S FIRST LAW SCHOOL*, 4 N.Y.L. SCH. L. REV. (1958).

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LEGAL HISTORY

NEW YORK'S FIRST LAW SCHOOL

PAUL M. HAMLIN

THE earliest law school¹ in New York was begun by Peter Van Schaack at Kinderhook, Columbia County, in 1786.² From the time of its establishment until 1828,³ and possibly for a year or two longer, this first school for the instruction of students in law was in continuous operation. Peter Van Schaack, "the great lawyer," "from the period of his resuming his profession in 1786, until 1828, when he had reached his 81st year," was not without one or more law students. Nearly a hundred young gentlemen "served all or part of their terms of clerkship under his immediate charge and instruction."⁴ Classes were held in Van Schaack's home,⁵ a noble structure still standing and in good repair on Broad Street, Kinderhook, New York.⁶ Diagonally across the street, less than a block away, was located Van Schaack's law office in which, until about the last fifteen years of his life, Columbia County's leader of the bar engaged in work incident to the practice of law.⁷

I. FORMAL LEGAL INSTRUCTION ACCREDITED TOWARD BAR ADMISSION

THE students who received instruction in the law in this, *The Van Schaack School of Law*, or as it was sometimes called, *The Kinderhook Law School*, were not mere law clerks serving apprenticeships in the usual manner of law offices in accordance with the rules of the day for admission to the bar as prescribed by State Supreme Court or State Court of Chancery.⁸ Not at

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¹ In writing the account of New York's Earliest Law School which is set forth herein, main reliance has been had upon the following books and articles. *The Life of Peter Van Schaack, LL.D., Embracing Selections from His Correspondence and Other Writings, During the American Revolution, and His Exile in England.* By His Son, Henry C. Van Schaack. New York: D. Appleton & Co., 200 Broadway, MDCCCXLII. (This book will hereinafter be referred to as, Van Schaack, *Life*.) Edward Augustus Collier, *A History of Old Kinderhook.* New York, G. P. Putnam's Sons, 1914; Columbia University, "The Matricula or Register of Admissions & Graduations, & of Officers employed in King's College at New York." 6. Manuscript in *Columbiana*, Columbia University Library. Paul M. Hamlin, "Peter Van Schaack", *Columbia University Quarterly*, Volume XXIV, No. 1, March 1932, pp. 66-105; Paul M. Hamlin, *Legal Education in Colonial New York.* New York: New York University Law Quarterly Review, 1939. American Council of Learned Societies, *Dictionary of American Biography*, Vol. XIX. New York: Charles Scribner's Sons, 1943. (Hereinafter listed as DAB.) Henry C. Van Schaack, "An Old Kinderhook Mansion" in *Magazine of American History*, September 1878.

² Van Schaack, *Life*, 443-4.

³ *Id.* 443, 446.

⁴ *Id.* 443-44; DAB.

⁵ Van Schaack, *Life*, 455, 456; Collier, *op. cit.*, 375.

⁶ A picture of this building is presented opposite.

⁷ Van Schaack, *Life*, 444, 446, Peter Van Schaack built his house in 1788. Prior to that time his classes in law were doubtless held in his law office building.

⁸ For the rules of the Supreme Court of Judicature of the State of New York

all. Rather they were young men whose fathers had sent them to live in Kinderhook and attend formal law classes and lectures held and given by a recognized legal scholar.⁹ True the time spent at the Kinderhook Law School could beyond doubt be certified in partial fulfillment of bar admission requirements and was, therefore, not lost time. From as early as 1756 the New York Bar Association had agreed and stipulated that a prospective member of the bar of the province must hold a B.A. degree from a four year liberal arts college.¹⁰ Such a requirement was soon found to be too severe and in 1764 the bar changed the rule by providing "That no Person henceforth shall be taken by any of the Subscribers as a Clerk, unless he shall have been educated at some University or College for two years at least—and shall pay down the sum of two hundred Pounds—and be bound to serve a Clerkship of five Years."¹¹ In other words, the rules then governing certification for examination for admission to the New York bar had encouraged systematic and continuous study outside law offices for those who wished ultimately to secure permission to take the bar examinations.

Thus the Kinderhook Law School, and the Litchfield Law School, sometimes called the Reeves-Gould School of Law, a school founded in 1784 by Tapping Reeve and continued by James Gould at Litchfield, Connecticut,¹² not only met a need of the day for legal education, but satisfied as well New York bar admission rules as promulgated by legislature, by court, and by the leaders of the bar in organized association. And the judges of the Supreme Court of Judicature of New York years prior to as well as after the Revolution, certainly by 1786, relied fully upon the recommendations of the leading lawyers in practice regarding the qualifications of those applying for admission to the bar.¹³ The members of the bench of this high court had achieved their positions under the legal system in effect, and were thoroughly familiar with the conditions of preparation for practice. Indeed, except for Judge Danial Horsmanden who had arrived in the province as a young man in 1729,¹⁴ the bench of the Supreme Court of New York, Province and State, had after 1730 been composed of colonials or of lawyers whose academic and legal educations had been gained in America.¹⁵ Well did they

prescribed prior to 1787 relating to admissions and readmissions to practice consult the *Minutes* of the Supreme Court for the years 1775-1781, 1781-1783, 1785, 1786 (Parts A and B), *passim*. Hall of Records, City of New York. For the rules of the Court of Chancery of the State of New York of this period consult the *Minutes* of this court for the years 1781-1783; 1785, 1786-1787 (these *Minutes* are found in a separate volume and on pages 53-111 of the volume containing the *Minutes* for 1781-1783), 1788, 1789, 1790, *passim*. Chancery Room, Court of Appeals Hall, Albany, N. Y.

⁹ Van Schaack, *Life*, 444, 445.

¹⁰ Consult Hamlin, *Legal Education in Colonial New York* (hereafter Hamlin, *Legal Education*), pp. 160-161. Also, *James Alexander Papers*, The New-York Historical Society Library.

¹¹ See, *William Smith Papers*, Manuscript Room, New York Public Library, folder marked "New York-Law Society." Also see, Hamlin, *Legal Education*, 163-164.

¹² In DAB consult Tapping Reeve and James Gould. Also see, Samuel H. Fisher, *The Litchfield Law School, 1775-1833* (1933).

¹³ Hamlin, *Legal Education*, Chapters III and VI, *passim*.

¹⁴ *Id.* 20, 206, 207.

¹⁵ *Id.* 110, 112, 206, 207.

know the background of each practitioner who appeared before them, and thoroughly established in 1786 was the reputation of Peter Van Schaack as a legal and classical scholar.¹⁶ Scarcely could they doubt that a school of law over which he presided would fail to give the students who attended it a thorough knowledge of every field of law,—be it real property, commercial transactions or equity,—then considered to be necessary for practice. His recommendation of an applicant seeking permission to take the bar examinations as one who had a knowledge and understanding of law adequate to serve the public as a lawyer would be accepted without question. Graduates of the Van Schaack School of Law could beyond doubt approach bar examinations and practice with confidence. The training and experience of the founder and head of this early law school was exceptional.

II. PETER VAN SCHAAK'S BACKGROUND, EDUCATION AND EARLY PROFESSIONAL RECOGNITION

PETER VAN SCHAAK (1747-1833) was born in Kinderhook, Columbia County, New York, the youngest of seven children. His father, Nicholas, was a prosperous merchant and Hudson River ship owner. Through his mother, Lydia, daughter of Dr. Hendrick Van Dyck, he was related to the Schuylers of Albany.¹⁷ Henry, his eldest brother, a trusted friend of Sir William Johnson, had taken a prominent part in the French and Indian Wars and before 1760 had maintained trading posts at Niagara, Detroit and Michillimackinack. While Peter was growing up, this brother had become Postmaster of Albany and Paymaster of His Majesty's forces in the Albany District. Years later he was one of the founders and original members of the Board of Trustees of Williams College.¹⁸ A sister, Maria, married James J. Roosevelt, great-grandfather of President Theodore Roosevelt.¹⁹ Another sister, Lydia, became the wife of Peter Silvester, legal adviser to Sir William Johnson.²⁰

Following early training in The Kinderhook Academy, young Van

¹⁶ With the possible exception of John Morin Scott and John Sloss Hobart, the judges of the Supreme Court and of the Court of Chancery of the State of New York in 1786, and immediately thereafter, knew Van Schaack personally. Several of them, John Jay, Egbert Benson, John Watts, Jr., Robert R. Livingston, Jr., and Richard Morris, had been in college with Van Schaack, or had been in close association with him before the Revolution.

¹⁷ For information relating to Peter Van Schaack's family and youth see, Van Schaack, *Life*, 1-4; Edward A. Collier, *op. cit.*, 367, 368, 400; Alexander C. Flick, Editor, *History of the State of New York*, IV, 569-70, 642-43; DAB. The maiden name of the mother of Lydia Van Dyck Van Schaack was Lydia Schuyler.

¹⁸ Van Schaack, *Life*, 2-3; Henry C. Van Schaack, *Memoirs of the Life of Henry Van Schaack*, Chicago, Illinois, 1892, pp. 3-5; Williams College, *General Catalogue of . . . Williams College, Williamstown, Massachusetts*, 1930, p. 82; Alexander C. Flick, Editor, *The Papers of Sir William Johnson*, Albany, N. Y., 1921-, V, 29, 32, 37, 359-361, 826, 830.

¹⁹ Charles Barney Whittelsey, *The Roosevelt Genealogy*. Hartford, Connecticut, 1902. Pp. 36 ff. The name Van Schaack is still found in the Theodore Roosevelt branch of the Roosevelt family. Alexander C. Flick, Editor, *The Papers of Sir William Johnson*, Albany, New York, 1921-, IV, 569-570, 642-643.

²⁰ Edward A. Collier, *op. cit.*, 368.

Schaack was placed in a school on Staten Island maintained by The Reverend Richard Charlton, a latin scholar and graduate of Trinity College, Dublin, Ireland. There he remained two years, entering King's College, City of New York, in 1763 in his seventeenth year.²¹ From King's he graduated in 1768 with an A.B. degree, having taken a year out to study law. Fellow students were John Jay, Robert R. Livingston, Egbert Benson, Richard Harison, and Gouverneur Morris each of whom throughout life were among Van Schaack's close friends.²²

Destined for the law Peter Van Schaack served his law office apprenticeship in Albany with his brother-in-law, Peter Silvester, and in New York City with William Smith, Jr. at the time considered to be the foremost lawyer of the Province of New York.²³ Admission to the bar of the Province took place on January 21, 1769.²⁴ He was not yet twenty-two years of age. In stature he was tall; his constitution and health were good.²⁵

In the meantime shortly after commencing his junior year at college Peter Van Schaack and Elizabeth Cruger, daughter of Henry Cruger one of New York's opulent merchants, were married following an elopement.²⁶ Her uncle, John Cruger, was the Speaker of the Assembly of the Province.

An office for the practice of law was opened on Cedar Street, City of New York, following admission. According to his son, Van Schaack's abilities together with his wide and influential family connections caused his success to be immediate and assured.²⁷ That his ability and talents were recognized and in demand can be confirmed from several sources. One of these are the great number of times his name as attorney at law appears on the *Minutes* of the different courts sitting in the City of New York and in the county seats along the Hudson River. Another is his inclusion as an original member of *The Moot*, the famous bar association of the City of New York. This association had been founded in 1770 by a small group of the more important lawyers of the town. In 1772 Van Schaack was elected its Secretary, his predecessors having been Samuel Jones and William Smith, Jr.²⁸ More significant, however, is Van Schaack's appointment in 1772 by

²¹ Van Schaack, *Life*, 4-5.

²² *Id.*, 5. For letters passing between Peter Van Schaack and his friends of college days, especially John Jay, Egbert Benson, and Gouverneur Morris, from 1770 to 1829, see *Ibid.*, *passim*.

²³ *Id.* 5.

²⁴ *Minutes of the Supreme Court of the Province of New York, 1766-1769*, Hall of Records, City of New York, p. 607.

²⁵ "Nature had conferred upon him [Peter Van Schaack] a form and countenance which corresponded in strength and dignity, to the measure of his intellect. Even after death his features retained the noble impress of his superior endowments, and might almost have been taken for some marbled monument of ancient genius, to which they bore a peculiar and most interesting resemblance." From an obituary notice written by Benjamin F. Butler, Esq., in the Kinderhook *Sentinel* upon the death of Peter Van Schaack. Mr. Butler, founder of the School of Law of New York University, was Attorney General of the United States in the Cabinet of President Jackson. See, Van Schaack, *Life*, 461-462.

²⁶ Van Schaack, *Life*, 5; Hamlin, "Peter Van Schaack", 68; DAB.

²⁷ Van Schaack, *Life*, 6, 15.

²⁸ *The Moot, James Alexander Papers*, The New-York Historical Society Library.

special act of the New York General Assembly to the important task of collecting, revising, editing and indexing the laws of the Province of New York from and after 1691.²⁹ Undoubtedly his uncle by marriage, John Cruger, Speaker of the Assembly, was of assistance in securing this appointment for so young a member of the bar, able as he might be. Nevertheless, the undertaking was performed so well that, more than a century later, the committee to revise the laws of the Colony and State of New York which was appointed by the Legislature of New York in 1891 based their revision upon the Van Schaack Revision, passing over several intervening digests and revisions that had been made during the preceding two centuries.³⁰

III. EYESIGHT IMPAIRED AND TRAVELS TO ENGLAND

IN one respect Van Schaack, unfortunately, performed too well. It appears that he applied himself so assiduously, and worked such long hours under candle light upon the task of revising the laws of the Province, that his right eye was permanently impaired.³¹ Subsequently both eyes were affected and he became blind being thereafter known as the "blind scholar." His trip to England in 1778 culminating in a seven year sojourn in the Mother Country was motivated primarily by the hope that London's eye specialists might be able to restore his sight.³² Although such a cure was not accorded him, he used his time to advantage by traveling throughout the country; by attending Parliament of which body his brother-in-law, Henry Cruger, of Bristol, England, was a member; by studying the courts sitting at Westminster, and by visiting the Inns of Court. The bench and bar of England of that day did not impress him too favorably. He wrote, "Neither at the bar nor on the bench did I discover that extreme profundity of law abilities which I have so often heard extolled, and which it was said untied in an instant the Gordian Knot of every difficulty."³³

²⁹ New York State, *Colonial Laws of New York from the Year 1664 to the Revolution*. Albany, N. Y., 1894. Vol. IV, 355-357, Chapter 1543, Laws of 1772; Anson Phelps Stokes, *Iconography of Manhattan Island (1498-1909)*, New York; R. H. Dodd, 1915-1928. 1772 Mr. 24, Vol. IV, 827. On August 15, 1774 Hugh Gaine in his *New York Mercury* announced the publication of the Laws of New York from 1691 as revised by Peter Van Schaack. *Ibid*, 1774 Ag. 15. The title of the Van Schaack revision is: *Laws of New York, from the Year 1691, to 1773 inclusive. Published according to an Act of the General Assembly . . .*

³⁰ For a discussion of the several revisions of the laws of New York see, Alden Chester, Editor, *Legal and Judicial History of New York*. 3 volumes. New York: National Americana Society, 1911, Vol. I, v-vi, 428-443. In 1930 Attorney at Law, John B. Pruyn, stated to the present writer that Attorney at Law Augustus Vanderpoel of the City of New York had in his possession in the City of New York the two manuscript volumes, in the handwriting of Peter Van Schaack, of Van Schaack's Revision and that Mr. Vanderpoel had shown them to Mr. Pruyn.

³¹ Van Schaack, *Life*, 15; DAB.

³² Van Schaack, *Life*, 264-266, 443, and Chs. VI-VIII, *passim*; Hamlin, "Peter Van Schaack", 84. When active hostilities between England and the Colonies began, Van Schaack could not persuade himself to take sides. Ultimately he was sent within the British lines surrounding the City of New York.

³³ Van Schaack, *Life*, 136.

IV. CITIZENSHIP AND BAR MEMBERSHIP RESTORED

IN general England greatly disappointed him and upon the cessation of hostilities between mother country and her former colonies, he longed to return to America. Finally in 1785 after John Jay, Egbert Benson, Gouverneur Morris, and others had notified him that they believed that he might return with safety, he recrossed the Atlantic.³⁴ He was welcomed home and within a few weeks proceeded to Kinderhook.³⁵ The following Spring an act of the State Legislature restored his citizenship,³⁶ and in April 1786 he was readmitted to the bars of the Supreme Court and of the Court of Chancery of New York.³⁷

V. LAW SCHOOL OPENED AT KINDERHOOK

BEFORE this last event, however, Van Schaack had let it be known that not again did he intend to engage in the active practice of law.³⁸ Nevertheless, his talents were in constant demand and soon he found himself daily transacting legal business. Not that alone, but in that very year, 1786, he began to accept at his home or in his office in Kinderhook young men who wished to study law formally with the intention of engaging in professional practice. Classes and lectures were to be held in Kinderhook. This new venture, it appears, was favorably received and for the next forty years and longer parents, who planned legal careers for their sons, entrusted them to Peter Van Schaack for instruction in the law.³⁹

The qualifications of the head of this new law school were considerably above the average. The record showed that his undergraduate work at King's College had been brilliant; that his law practice had been diversified and sub-

³⁴ *Id.* 308, 363, 372, 374, 375, 378.

³⁵ *Id.* 389; Hamlin, "Peter Van Schaack", 90-91.

³⁶ Van Schaack, *Life*, 402, 403.

³⁷ *Id.* 403. On the third Tuesday in April 1786 Peter Van Schaack, Philip Livingston, William Wickham, Richard Harison, Cary Ludlow and John Watts, Jr. had the suspension of their licenses to practice law as attorneys and counselors lifted. James Duane made affidavits respecting the good moral character of each. *Minutes of the Supreme Court of Judicature of the State of New York, 1786-1786, Part B*, 5. Hall of Records, City of New York. On the same day, April 18, 1786, before a Court of Chancery of the State of New York sitting in the City Hall of the City of New York, Chancellor Robert R. Livingston presiding, the six lawyers above named did appear "and did prove by the oath of the Honorable James Duane Esq^r. to the Satisfaction of this Court that they and each of them respectively were men of good moral character. And they . . . taking the oath of Adjurament and allegiance and the oath respectively for the faithful Execution of their offices as Solicitors and Counsellors of this Court . . . it is ordered by the Court that they . . . be respectively admitted Solicitors and Counsellors of this Court; and that they be respectively licenced accordingly." *Minutes of the Court of Chancery of the State of New York, 1786-1787*. Court of Appeals Hall, Albany, N. Y., p. 69.

³⁸ Van Schaack, *Life*, 325. On the day following his readmission to the bar of the Supreme Court of New York, Mr. Van Schaack was appointed to examine John Addison for admission to the bar of the State. *Minutes of the Supreme Court of the State of New York, January 14, 1786 to May 6, 1786, Part B*, p. 12. Hall of Records, City of New York.

³⁹ DAB; Van Schaack, *Life*, 443-444.

stantial; that he had satisfactorily revised the laws of New York; that he had spent seven years in England, where he had observed and criticized constructively the judicial system and practices of that country; that he was familiar with the legal education offered both in England and the American States; that above all he was interested in youth and the education of youth, and that his social and political relationships with the leading individuals and families of the day were unexceptionable. This much was known. The years ahead were to show that Peter Van Schaack became recognized as Columbia County's outstanding lawyer;⁴⁰ that his knowledge of practice was to find expression in a treatise entitled an *Analysis of the Practice of the Supreme Court of New York*,⁴¹ and that no teacher-practitioner of the law of the America of that day could have been selected who was better qualified by experience, training, temperament and character than this Dutch-American of thirty-nine years to instill into young minds the history, philosophy, precepts, principles, practices and ethics of the law.

Although never large in size, and its existence known only to a few students of the history of post-revolutionary times, the law school Peter Van Schaack conducted at Kinderhook, New York, was well-known among his friends. As has been stated above, during the period of its existence it prepared nearly one hundred young men for their life work.⁴² Parents who knew what Van Schaack was doing and placed their sons in his school were satisfied with the instruction that was given as well as with the professional atmosphere pervading the institution.

VI. PROMINENT CITIZENS PATRONIZE AND COMMEND SCHOOL

As the years passed and men of acknowledged learning and of standing in their communities enrolled their sons with Van Schaack, the reputation of the Kinderhook Law School grew. At one time or another the sons of such distinguished jurists as Theodore Sedgwick, Rufus King, William W. Van Ness, James Kent and Ambrose Spencer were students of Van Schaack. He taught them well and for their use he wrote the *Analysis of the Practice of the Supreme Court* mentioned above.⁴³ Earlier (1788) he had revised and adapted to the United States of America the *Conductor Generalis, or the Duty and the Authority of Justices of the Peace, High Sheriffs, Under Sheriffs, Corners, Constables, Gaolers, Jurymen and Overseers of the Poor, &C.*⁴⁴ When in the eighty-second year of his age, Mr. Van Schaack might be seen in his study, with his law students around him, imparting instruction. On the 19th of April, 1828, he wrote to a former student, Frederic De Peyster, Esq., City of New York, for whom he is said to have had a great regard, "You see that like an old coachman who loves the smack of his whip, I still have some professional regards—indeed I have some professional occupa-

⁴⁰ Van Schaack, *Life*, 439 *et seq.*

⁴¹ *Id.* 444-445, 446.

⁴² *Id.* 443-444; DAB.

⁴³ Van Schaack, *Life*, see note 41 above.

⁴⁴ *Id.* 428; DAB. The first American edition of this work was published at Philadelphia in 1722.

tions, as I have two students, on whom I bestow much of my time and attention, of which I trust they will enjoy the fruits."⁴⁵

Upon occasion parents by letter gratefully acknowledged the education their sons were receiving, or, years after professional success had blessed them, former students wrote appreciatively of the days when in their youths they had lived in Kinderhook attending classes conducted by "The Old Master" whose personality and methods of instruction had done so much to mold their own characters as well as to train their minds. For example, on July 24, 1820 Ambrose Spencer wrote to his son who at the time was studying law with Van Schaack:

"I am sensible of the advantages you enjoy under such an able and amiable instructor as Mr. Van Schaack; and you cannot flatter me more than by supposing that his devotion to you arises partly from his friendship to your father. It has been my pride to be marked with the friendship of such a man in such times; . . . On my part, I am certain that from my earliest acquaintance with him, which has been for more than thirty years, I have never ceased to admire and respect him. I have never been his pupil, and yet I must acknowledge that I have caught much from him. When he was at the bar, he helped to mould the young men of his time. He was urbane and very communicative, and in justice to him I say, that his example has materially influenced my legal acquirements."⁴⁶

The following June the renowned James Kent wrote to Van Schaack from Albany:

"Dear Sir:

I arrived here yesterday from New-York, and found my son at my house. I was very happy to see him, and to find him in good health and spirits, and much pleased with his residence at Kinderhook, and with the society with which he associates, and above all with your course of instruction. He showed me part of his compilation from your *Analysis of the Practice of the Supreme Court*, and I was very much pleased with the clear, methodical and perfectly correct view of the principles and rules of practice which the analysis unfolds. I feel grateful for the kindness you have showed *in loco parentis*, and if I can but find that my son is ardent and accurate in research, and cultivates at the same time, and with equal ardor, his moral and classical taste, all my anxious hopes will be fulfilled. I hope to have the pleasure of visiting you before long, and in the mean time believe me, to be

Yours very sincerely,
James Kent"⁴⁷

The last communication which will be quoted from was written in Auburn, New York, by a former law student. In part it reads:

"Respected and Esteemed Sir: 19th October, 1821

It is with the greatest satisfaction that I recur to the time which I passed with you, my dear sir, in the pursuit of knowledge which you were so well

⁴⁵ Van Schaack, *Life*, 446.

⁴⁶ *Id.* 444.

⁴⁷ *Id.* 445.

calculated to impart. Not the least part of the pleasure I feel, is caused by a recurrence of those scenes in which you displayed your friendship for me, and by which I was led to feel that reverence and friendship for you, which now actuates me in writing to you. I this day had occasion to refer to your excellent treatise on the practice of our courts, and the recollections caused by it roused me to the consciousness that I had neglected to inform one of my best friends of my situation in life, so totally different from every former one. . . .

Could I portray the feelings of my heart towards you; my esteem; the gratitude your attention to my education excites within me, and my sense of the delicacy which you have always observed towards me; I should be in some measure satisfied. My present feelings towards you, sir, I hope to carry with me to my grave."⁴⁸

In his old age as in his youth Van Schaack's "soul seemed to be wrapped up in the intellectual cultivation of the rising generation, and he found his highest reward in the *attention* and *progress* of his pupils. He was emphatically the friend of youth, and their welfare found in him a fixed and unalterable devotion."⁴⁹ In his Kinderhook "Study" at the "Round Table" his conversation with his students abounded with quotations from the classics as well as from the great law commentators calculated to inspire his students with elevated ideas of the profession they were preparing to follow. "What in another would have been considered pedantry, in him was nothing else than the natural flow of a mind chastened by a refined taste, and deeply imbued with the beauties of literature, and abundantly stored with the profound maxims and principles of that noble science, which he had made his profession."⁵⁰

VII. AWARDED LL.D. BY COLUMBIA COLLEGE

At the annual meeting of the Alumni Association of Columbia College in May 1826 the following toast, written by Colonel Robert Throup, was drunk:

Peter Van Schaack. Admired for his knowledge of the law, and for his classical attainments, and beloved for the virtues which adorn our nature. *Quis jure peritior, quis virtute praestantior?* (He, who is more learned in the law possesses superior manliness (courage, virtue).)⁵¹

And at the Columbia College Commencement of the same year, an honorary degree of Doctor of Laws, LL.D., was conferred upon Peter Van Schaack, Class of 1768. Upon the same occasion similar degrees were conferred upon Governor DeWitt Clinton and Samuel Jones, New York citizen and lawyer without peer.⁵² Of these events Van Schaack wrote:

I am not insensible to the honor done me by the Faculty of Columbia College—my venerated *Alma Mater*—nor to being toasted by Mr. Verplank

⁴⁸ *Id.* 446.

⁴⁹ *Id.* 457.

⁵⁰ *Id.* 455.

⁵¹ *Id.* 453.

⁵² *Id.* 454. Also see p. 442.

after my two old esteemed friends Mr. Jay and Mr. Benson. I have said that I was not insensible to these honors, but the principle source of my gratification is the pleasure which I know my friends will feel on this occasion, unexpected, unlooked for, and I may say undesired by me. . . .

When you call yourself my "affectionate pupil", you touch a very tender string of my heart. It is now more than seven years since you ceased to be so in fact, but your reminiscence, at this distant period, does honor to *your* heart, while it affords pleasure to mine.⁵³

VIII. VAN SCHAACK PAPERS, MANUSCRIPTS, AND LAW SCHOOL RECORDS

It is unfortunate that the location and whereabouts of so few of the papers, documents and books left by Peter Van Schaack are known. His practice extended over a period of sixty-two years and his law school existed from 1786 to 1829. The building housing his law office, the location of which was identified on December 31, 1931 to this writer by two of Van Schaack's granddaughters, the Misses Pruyn of Kinderhook, each of whom at the time was more than ninety years of age, as having been on Broad Street, Kinderhook, across the way from their grandfather's residence, no longer stands. These ladies were under the impression that the law office building burned in the 1820's. The probability is that the building housing Van Schaack's law office did burn, but his law school records and his private papers were not destroyed when that structure disappeared. This must have been the case since his son, Henry Cruger Van Schaack, used his father's documents and writings, including the law school records, at Manlius, New York, in 1842 while engaged in writing *The Life Of Peter Van Schaack, LL.D.*⁵⁴ Then, too, it was from Manlius that the son sent the records of *The Moot* to The New-York Historical Society in 1867.⁵⁵ It is thus evident that the papers of Peter Van Schaack were in existence long after their owner's death. Nevertheless their location today is not known. An extended search over the past twenty-five years has failed to uncover any appreciable number of them.⁵⁶ And none that has been found relates directly to the *Van Schaack School of Law*. However, just as the original two volume Van Schaack manuscript *Revision of the Laws of New York, 1691-1773* was in existence and seen in the City of New York in 1912,⁵⁷ and will surely some day be made public, so it is believed will the records of New York's first law school be located and published. When that day arrives, it will be particularly gratifying if the records include such matters as courses of study offered,

⁵³ *Id.* 454. Letter to Frederic DePeyster, Jr. of the City of New York dated August 7, 1826.

⁵⁴ *Id.* Preface; DAB.

⁵⁵ See *James Alexander Papers* in the Library of The New-York Historical Society for letter of transmittal.

⁵⁶ George Van Santvoord, *Henry Cruger Van Schaack* in DAB states (1936) that the manuscripts in the possession of Henry C. Van Schaack, which included the manuscripts from his father's library, "were left to three of his fourteen children." Who these three children were, and what disposition the children made of them, has not been learned although the present writer has made diligent search to trace them.

⁵⁷ Hamlin, "Peter Van Schaack", 74.

length of time required for the completion of courses of study, fees charged students attending the school, and a list of the students to whom Van Schaack gave instruction. With information of that nature at hand, a much more comprehensive history than that which is herein set forth of the *Kinderhook School of Law*, the earliest law school in the State of New York, can be written.