prietary school movement but also apparently insured its success. In 1870 there had been 1,200 law students in twenty-one law schools (or 4 law students per 100,000 of population). This figure had risen to 4,500 students in sixty-one law schools (or 7 per 100,000 of population) by 1890. 28 The explosion, however, produced the antithesis of uniformity. As states once again began to require apprenticeship, and law schools were offered as an alternative to apprenticeship, “law schools, which previously had been very similar one to another, began now to be strung out in a serial line, as it were: at one end, those that were taking advantage of restrictive state regulations to make themselves as good as they knew how; at the other extreme, schools that profited by this freedom in another way and endeavored to do little more than to provide the training needed to pass superficial bar examinations. All these schools conferred the same degree. No authority made their relative merits clear.”26

By 1916, there were twenty-four “high entrance full-time schools” with 4,778 students, forty-three “low entrance schools offering full-time courses of standard length” with 7,918 students, fifty “part-time schools offering courses of standard length” with 7,464 students, and twenty-three “short-course schools” with 2,043 students. The law school movement had remarkable success; by 1917, only seven states did not have a law school. Perhaps equally important, legal education had become urbanized. By 1917, 59 percent of cities over 100,000 had law schools: Chicago had nine, Washington eight, New York five, and St. Louis and San Francisco four each.27

Battle lines between the establishment law schools and the proprietary schools28 were not always clearly drawn. When William Rainey Harper’s new University of Chicago, financed by Rockefeller money, was beginning its law school, there was at first a suggestion that it should absorb Columbian (George Washington) in D.C.29 (They were both Baptist in origin, and Columbian had vied for Rockefeller’s money.) The District of Columbia “market” produced at least one delightful vignette that underlined the status situation. Archbishop Satolli, the apostolic delegate, decided in 1894 that they should build up a law (and medical) faculty quickly at Catholic University would be to transfer the ones currently existing at Jesuit-run Georgetown. Satolli cleared the plan with both Pope Leo XIII and the general of the Society of Jesus, but he omitted to clear it with either Catholic or Georgetown universities. The first intimation either institution had that such a change was contemplated was a letter that the apostolic delegate addressed to the deans of the law and medical faculties at Georgetown, instructing them that the “wish of the Holy Father is that our faculty aggregate to the Catholic University.”30 The Jesuit institution was to receive $175,000 in cash for this transfer, and the initial reaction of President Joseph Richards of Georgetown was positive, if somewhat Machiavellian: “Our consent would show a disinterested desire on our part to do whatever the Holy Father may think best for Catholic education in the country, and at the same time would open the way for the [Catholic] University to be transferred to us at some time.”31

Although the president’s initial reaction was calm, the same could not be said about either of the Georgetown deans. Papal infallibility was then, after all, only two decades old, at least in its modern, rather extreme, form. Upon receipt of the letter the dean of the law school announced unequivocally that the transfer “cannot be carried into effect by a direct mandate from Pope Leo XIII.”32 The dean of the medical school—another layman—was no more amused. The deans pressured the president, and he reported to Rome that the deans were “dumb-founded at the very suggestion.” He explained to the father-general’s assistant that the transfer should not go through because it would be perceived by Protestant students as evidence of “Catholic Chicanery.”33

Catholic University, the would-be recipient of the boon, reacted in an intriguing way to receipt of the news of the proposed move. It shared Georgetown’s displeasure, but for a far different reason. As the school’s rector, Bishop John Joseph Keane, later wrote, “The schools in question were not the kind of schools of Law and Medicine that we hoped to organize; as they were night schools, frequented mostly by young men who were government employees during the day and had only the evening hours to fit themselves for professions, whereas our institution was to have true university-schools, working their students all day long.”34 In short, the Georgetown Law School was not good enough for Catholic University. The Satolli incident showed just how stratified institutionalized legal education had become by 1894, and the disputes had only just begun.

As the lesser law schools emerged, however, commercial or neocomicarial arrangements were frequent. The Blackstone Law School, organized in Denver in 1888, entered into a contract with the University of Denver in 1892 to become the law faculty of the university. Not only was the faculty paid through fees, but until the 1920s, the books in the library were owned by the professors.35 There were equally complex arrangements regarding other law schools. Union College of Law originally opened in 1859 as the law department of the (old) Chicago University, beating out Northwestern, which had hoped to have the school affiliated with it. In 1873, Chicago University and Northwestern became joint managers of Union. When the Chicago University closed in 1886, Northwestern took over sole management, and, in 1891, Union College of Law.
21. Reed, *Training for the Law*, 192. By 1891, Dwight had had enough. His fight against the Harvard method had been unavailing, and the case method was encroaching on the foundations of the “Columbia System.” His resignation in that year was followed shortly by those of professors George Chase and Robert Petty, also protesting against the abandonment of the Dwight method. These “disciples” of Dwight started the New York Law School to continue the work of “the greatest living teacher of that peculiar system of law, which may comprehensively be styled the English and American jurisprudence.” 2 The *Counselor* [of New York Law School] 10 (1892–93). See also Goebel, *School of Law, Columbia*, 144. The new school came to offer Columbia serious competition in the 1980s. Columbia’s numbers fell from a high of 623 in 1890–91 to a low of 265 in 1892–93. Ibid., 447. In its first session, the New York Law School had 345 students. 1 The *Counselor* 19–20 (1891–92).
22. Reed, *Present-Day Law Schools*, 531. In 1899–1900, the first figure omits two schools, the latter five. Much of the writing on the 1890s has been misleading because of the unreliable 1893 report of the U.S. Commissioner of Education. Reed, *Training for the Law*, 465.
23. Some flavor of the competition between the national schools and the others may be gained from the rapid rise and fall in the size of schools. Ignoring the fluctuations during the Civil War (on this see Carnegie Foundation for the Advancement of Teaching, *Review of Legal Education* 1–12 [1918]), in 1870 the largest law school was the University of Michigan, with some 400 students, having burst into prominence under Cooley. Columbian (George Washington) was second largest followed by Columbia, Harvard, Albany, and Virginia. Ten years later Columbia led with 735, followed by Michigan and Hastings. In 1890, Columbia and Michigan were still the largest, but each was about to face serious local competition from rival part-time schools. From 1911 to 1922, Georgetown was the largest law school, with over 1,000 students. See, generally, Reed, *Training for the Law*, 191–97.
24. On this see the comment of the principal of the Law Society’s School of Law in London: “With Mr. Reed a ‘part-time’ school is one which caters largely for students who are not, at the time of attendance at any rate, in any sense lawyers, or even law students as most English in the understand the term. They may be students who hope at some future date to make a serious effort to qualify as members of the legal profession, or they may be merely business men and women who find a smattering of certain legal topics useful in their various callings. In any case, these students are mainly engaged, for the time being, in other pursuits.” Jenkins, *Legal Training in America*, 154–55.
27. Reed, *Training for the Law*, 193–95. 448–49. Moreover, Pennsylvania, along with Delaware, had been the only two states to maintain prelegal education, even during the Jacksonian period. Ibid., 314. Philadelphia had only two schools presumably because the Pennsylvania preceptor system effectively prevented those without a legal sponsor from attending law school.
28. In terms of numbers, Georgetown, which opened in 1870, led the list with 1,072 students. Fordham, which had started operations in New York City only fifteen years earlier, came in fifth, and Suffolk, not incorporated until 1911, was sixth on the list.
29. See Ellsworth, *Law on the Midway*, 31. Harper made the suggestion in 1890 and the president of Columbian, James C. Welling, also proposed the takeover in 1893. Harper, however, seemed to have lost interest as his plans became more developed.
32. Ahern, *The Catholic University*, passim. Dean Hamilton went on to say: “The Law Department of the University of Georgetown was organized by graduates of the Academic Department, through love for the old and honored institution. The faculty serves not only because of monetary considerations or salaries, but because of their love for, and interest in, the University of Georgetown. And the proposition of transfer is not only impracticable but borders close upon an offense.” Ibid., 102.
34. Ibid. Dean William C. Robinson had lofty plans for his school and had been impressed with the progress of the recent past. “Hitherto in the United States, the legal profession has been regarded as much as a trade and the lawyer as... the mere agent and servant of his client.” The recognition of “law as a science” was changing that, and Robinson wanted no part of a system of legal education which seemed to return to the concept of law as a trade. See Robinson, *A Study of Legal Education*.
35. Indeed, the faculty was paid two ways: a salary based on the number of hours the professor had taught, paid out of the profits of the institution, and shares of stock in the library association. Reed, *Present-Day Law Schools*, 87.
37. Its first graduating class in 1869 had twelve students; by 1889, it had over eighty students, and an endowment of $77,000. Allen, “The St. Louis Law School,” 283, 288, 291.
38. Market influence inevitably led to an emphasis on price, particularly among smaller or new schools that might have a greater hope of attracting students through low fees. One example of this technique was the catalog of Valparaiso University, which included the Law School for the first time in 1879. The cover bore the legend, “Expenses are less here than any similar institution in the West.” Inside, it was claimed that the student could attend the law course “for less than half the expense they would necessarily incur at any other similar institution.” By 1900, Valparaiso was able to claim that “expenses are less here than any other school in the land.” Under “Expenses” the Catalog noted that one reason its boarding charges were so low was that “one of the principals of the school, who has given the subject of dietary many years of careful study, gives this department his personal attention.” University Archives, Valparaiso University, Valparaiso, Ind.
40. Dedication of the New Building of the School of Law: Wake Forest College (1957).
41. Hastings had a fascinating career. Born in New York in 1814, he migrated to Indiana and then to Iowa. At the age of twenty-four, he was a member of the Iowa legislature. In 1846, Hastings became a member of the United States Congress representing an Iowa district. By 1848, he was chief justice of the Iowa Supreme Court, and, following the Gold Rush in 1849, he became chief justice of California. He had attended neither college nor law school but had read law while he was the principal of an academy in New York, a post he had attained at the age of twenty. In 1851, Hastings became attorney general of California but resigned two years later to engage full time in making money. Hastings College of Law, *Golden Jubilee Book*, 1878–1928 (1928).
42. By 1889, the school had 77 students and was encountering hostility since many felt it was producing too many lawyers. Slack, “Hastings College of Law,” 524; Hastings College of Law, *Golden Jubilee Book*, 1878–1928. For a discussion of the ambiguous legal position of Hastings, see Reed, *Present-Day Law Schools*, 85–86. Although Judge