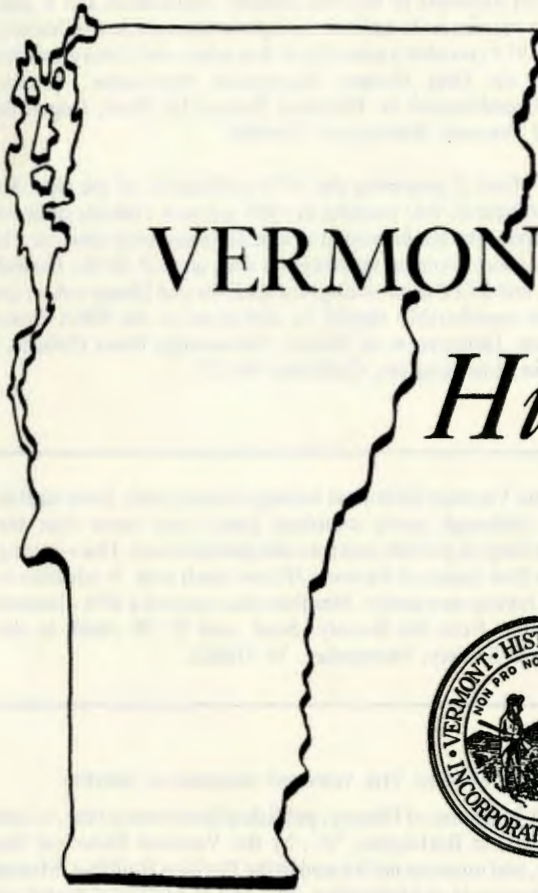


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As a trustee he was an effective advocate of the new "college at Burlington," and also became its first and only Professor of Jurisprudence.

Royall Tyler and the University of Vermont

By MARIUS B. PÉLADEAU

REFLECTING on the turbulent, confused, early years of the University of Vermont at Burlington, most people think immediately of two men: Ira Allen, whose germ of an idea led to its founding, and Daniel Clarke Sanders, its first president. Beyond these two, little is remembered of the men who, by dint of stubborn effort, started the young institution towards its present magnitude.

Many men, most of them forgotten in the obscurity of dim history, labored to make the seedling college a viable institution of learning. Royall Tyler is one of those men whom history has treated lightly, not because of any fault of its own, but mostly because, while laboring diligently, Tyler preferred to labor silently. He cared not for contemporary fame and the contributions he made to the young State of Vermont, while considerable, are not widely recognized.

He was one of the worthiest Chief Justices of the Vermont Supreme Court, serving as associate judge from 1801 until being elevated to the Chief Justiceship in 1807. He was Chief Justice until 1813, and in all was elected to the bench a total of 12 times, longer than any other judge under the old judicial system. Probably his greatest contemporary fame, however, came from his avocation. He was renowned throughout the country as a novelist, poet, essayist and critic of great talent, and he contributed greatly to the uplifting of the young Republic's cultural tone during the last two decades of the 18th century and the first two of the 19th.¹

1. Tyler's biography can be found in: G. Thomas Tanselle, *Royall Tyler* (Cambridge, 1967), and Marius B. Péladeau, *The Verse of Royall Tyler* (Charlottesville, 1968), pp. xiv-xxxiii. Further biographical details are contained in Péladeau, *The Prose of Royall Tyler* (Rutland, 1972), pp. 21-29, 175-77, 191-200, 268-71, 281-91, 355-66.

Mostly forgotten today, on the other hand, is the fact that Tyler was highly influential in forming the direction of the new "college at Burlington." He did much to help give the college leadership, regulation and reputation at a period when it sadly lacked all three.

The college came into being when the Governor and Council, on November 3, 1791, gave formal approval to the legislation passed the previous day authorizing an institution of higher learning within the boundaries of Vermont.² Trustees were appointed and the same day seven of them present in Windsor for the legislative session met for the first time. Unfortunately, they did not meet again for eight months. In fact, the first several years of the new college's existence were marked by rather uninspired and dilatory efforts on the part of the trustees. Without strong leadership, they seemed unwilling or unable to rouse themselves to constructive effort.

After nearly eight years of fruitless inaction, the trustees erected a "President's House" on the hilltop at Burlington and on October 22, 1799, offered the house (but not the presidency) to Daniel C. Sanders. A 1788 graduate of Harvard, Sanders had been preaching previously at the Congregational Church in Vergennes and more recently had assumed the position of instructor at the Academy in Burlington. In November the trustees gave Sanders a position on the Board of Trustees and early in 1800, the presidency. Energetic to the core, Sanders set about establishing the college. He took in students and started tutoring. In September 1800 he could report to Governor Isaac Tichenor that his several pupils were making good progress. In 1801 he opened the college to its first college class, and steps were taken to establish a basic curriculum.³

Sanders was extremely unhappy over the inaction of the old Board of Corporation, and as the terms of individual members expired he attempted to replace the outgoing trustees with men more congenial to his thinking and with similar philosophies about the development of the institution.

Almost from the day he had taken office, Sanders apparently had attempted to obtain Tyler's presence on the board. It is said that at that time there were only eight men in the entire state with college degrees.⁴ Sanders and Tyler were both Harvard graduates, the former in 1788, the latter in 1776. Both had a mutual love of languages, literature, polite converse and, in general, the amenities of life, few of which were to be found in frontier Vermont. It is natural that the two should have found each other's company mutually stimulating and that Sanders should have looked to the older and

2. Julian Ira Lindsay, *Tradition Looks Forward. The University of Vermont: A History 1791-1904* (Burlington, 1954), pp. 28-31. The university is the 25th in order of founding in the country and in New England, only Harvard, Yale, Brown and Dartmouth are older.

3. Lindsay, pp. 49, 51, 59. The first commencement was in 1804.

4. Lindsay, pp. 3, 13. Some scholars, however, have cast serious doubts on the validity of this statement.

more experienced Tyler for advice and counsel.

Late in 1801 or early 1802 Sanders met with Tyler in Burlington and approached him about serving on the Board of Corporation. Writing from Middlebury, while on the court circuit around the state, Tyler sent word to his wife in Brattleboro on January 20, 1802, that "I have agreed to accept the appointment of one of the Corporation of the University of Vermont at Burlington; where I hope to live to place Royall & Jack."⁵

At the next meeting of the university trustees on June 11, during the morning session, it was "Resolved to proceed by ballot to make a choice . . . of another member of this Corporation. On counting the votes the Hon. Royal[l] Tyler, Esq., one of the Judges of the Supreme Court, was declared duly and unanimously elected."⁶ At the afternoon gathering Tyler appeared, "declared his acceptance" of the post and "took his seat accordingly."⁷ That Tyler had timed his visit to Burlington to coincide with the meeting of the board and that he was on hand to be called to the afternoon session indicates that he had been notified previously by Sanders that his election was assured. It is likely that his name was the only one submitted for the single vacancy on the board.

One of the problems facing the college was that Sanders had to accomplish practically everything by himself. For several reasons, the Board of Corporation could not meet frequently. The board consisted of men actively engaged in vocations which demanded their full attention. It is easy to understand why Tyler, as Chief Justice, was preoccupied with his legal duties. The court was required to hold one regular term in each of the state's counties once a year. At times the caseload forced the court to schedule adjourned terms. The result was that the judges had to make at least two trips up and down the state each term in all kinds of weather.

Other professional men had similar problems: ministers had flocks to tend, physicians had practices to cultivate and lawyers had clients to represent. Furthermore, travel in 18th century Vermont was a hazard beyond comprehension to modern day travellers. In letters to his wife Tyler complained that not only did the adverse weather or state of the roads prevent him from returning home between terms of court, but they even prevented him from sending letters by couriers!

5. The letter is quoted in the manuscript, "Memoirs of the Honorable Royall Tyler, Late Chief Justice of Vermont," composed by Tyler's son, Thomas Pickman Tyler, in the collection of the Vermont Historical Society, p. 160 (Hereafter cited as "TPT Memoir").

6. The manuscript ledgers containing the minutes of the University of Vermont Corporation are in the office of the University Treasurer. Since the pagination is irregular, citations will be identified by date. This quotation is from the minutes of June 11, 1802. The importance of this meeting is indicated by the fact that Gov. Isaac Tichenor took the time to come and chair the session.

7. *Ibid.* At this meeting the board also debated the draft of the by-laws Sanders had been charged to draw up the year previous. The statutes were accepted at the next day's meeting, June 12, at which Tyler was also present.

After his election, Tyler was able to attend the final two board meetings of 1802, on September 11 and October 13.⁸ Although he was unable to be present at all the gatherings in 1803, Tyler did maintain liaison with Sanders by means of correspondence.

During the meeting of the corporation in January 1801 Sanders had been empowered to form a system of regulations for the college. With few students, he apparently did little on this subject, beyond a few rudimentary rules of conduct, until 1803.⁹ With Tyler's background in law, it is logical that Sanders turned to him for counsel on this important subject. The following letter from the president to Tyler of July 24, 1803, shows to what degree Sanders leaned on Tyler for advice on this and other vital matters.

. . . We fear your distant residence may prevent your frequent attendance on the board of trust, but your good counsels may be communicated by letter. Do you think of anything for the benefit of his infant institution? Can its government receive a better form? Are we not yet too much confined to the scholastic rules of the 15th century? Can any innovations be usefully made in this college? You would prove highly pleasing by being often communicative of your opinions; of your sentiments on the best mode of collegiate education; on the books to be adopted; on the exercises to be enjoined; on the whole system to be pursued. . . .¹⁰

Tyler's thoughts on these subjects did bear fruit later, as will be seen.

In the above quoted letter, Sanders further voiced the hope that Tyler would be able to attend the trustees' meeting during Commencement, but because the Chittenden County term of court did not occur in July or August that year, Tyler was not able to get to Burlington. He did make the meeting of October 13, 1804 "in Mr. Reed's house" at Rutland.¹¹ At this session Tyler was named chairman of a committee appointed to lay before the legislature, then in session at Rutland, a financial statement of the university. The other members of the committee were William C. Harrington, David Russell and the Reverend Henry Green.¹²

Although the minutes of the corporation are vague, Tyler does not seem to have attended any meetings during 1805 or 1806, but on September 11, 1807, he was at the gathering held in the "dwelling of Samuel Hitchcock" at Burlington. Colonel Hitchcock had been one of the college's original trust-

8. Minutes of Sept. 11 and Oct. 13, 1802. This is confirmed by Tyler recounting an anecdote of bear hunting from a boat in Lake Champlain while in Burlington during October, 1802. (See "TPT Memoir," pp. 174-75.) At the October session Tyler was named one of a committee empowered to present an administrative and financial statement of the university to the legislature. (See below, footnote 12.)

9. Sander's charge is quoted in Lindsay, p. 60.

10. "TPT Memoir," pp. 180-81.

11. Minutes of Oct. 13, 1804. At this meeting the board also accepted the resignation of Ira Allen as a trustee.

12. *Ibid.* The financial statement was required following the passage of a resolution by the legislature in January 1804. This was the same committee to which Tyler had been named in October 1802 (see above, footnote 8), except now he was elevated to its chairmanship.

ees and was a diligent worker for the institution. At that meeting the board passed the following resolution:

Resolved: That the Hon. Royall Tyler and the Rev. Henry Green be and hereby are appointed a committee to attend the Legislature at their ensuing session for the purpose of defending the interests of the University against any attack, which may be made from any quarter.¹³

A similar resolution was passed at the trustees' meeting the following year, on August 18, 1808. From the minutes of the corporation, it can be judged that the greatest service which Tyler rendered the university was his representation and defense of the college's interests before the various sessions of the legislature for over a decade, from 1802 until 1813. He was included as the principal member or chairman of every committee named to represent the college before the legislature for that entire 12-year period.¹⁴

His knowledge of the law, his knowledge of the leading political and civic leaders in the state, his knowledge of finance and administration, and his engaging personality made him more qualified than any other trustee to represent the university. He can, in truth, be termed the University of Vermont's first lobbyist.

That he was effective is proven by the fact that for more than a decade the university experienced little or no serious opposition in the legislature and its budgets were usually promptly approved. The important role Tyler played as a lobbyist allowed Sanders to concentrate on administrative and scholastic matters.

Outside of the president, Tyler was probably the most prominent and visible symbol of the university, which he represented at many functions when it was impossible for Sanders to do so himself. In 1807 Israel Smith was elected Governor of Vermont, the first Republican to sit in the governor's chair. Since the majority of the trustees were also of that party it was thought proper — and politic — that the Board of Corporation should pay its respects to the new chief magistrate, also an ex officio member of the college board. Tyler and Green were appointed as the committee to wait on the governor and offer the board's congratulations on his election.¹⁵

Unfortunately, the partisanship of politics intruded itself. The few trus-

13. Minutes of Sept. 11, 1807.

14. Minutes of Aug. 18, 1808. The records of the corporation, although sketchy in some details, provide an excellent picture of the college's administration during these formative years. Tyler's political philosophy made him eminently qualified to serve the college in the political arena. From an aristocratic Boston family, he was by upbringing and education a Federalist and on first coming to Vermont had made his first friends among members of that party. By 1800, however, he started to lean more and more toward the Republican viewpoint while still nominally a Federalist. His ability to see both sides of every question, and his friendships with members of both parties, made him ideally suited to become the college's lobbyist.

15. "TPT Memoir," pp. 226-27. This information is not contained in the minutes of the board and illustrates how, by themselves, they are an incomplete record.

tees who were Federalists, one of whom was the Reverend Leonard Worcester, published an indignant protest, saying that they were most unhappy over Smith's elevation to the gubernatorial chair. Thus facing a divided board, Tyler corresponded with both Sanders and Judge Aaron Leland of Chester, a fellow trustee.¹⁶ Tyler's letter to Sanders was as follows:

During the session of the Court in Rutland, I had several conferences with the Governor, upon the interests of the University. He seems cordially engaged in its prosperity. I mentioned, and warmly recommended his personal attendance at the June Exhibition. He assured me that, if he received an official invitation from the Corporation, he should with pleasure attend: so that no impediment exists to our proposed plan of operations. The more I reflect, the more I am persuaded of its utility. The convention of the Trustees will therefore be, I presume, some day before the 30th of May, and the 4th of June, when the Supreme Court sits in your County. Perhaps it may be as well to appoint the 3d or 4th of June, and the Exhibition early the next week; as, in that case, the distant members might tarry until the Exhibition with less inconvenience. I shall again call on his Excellency on my way to Burlington, and remind him of his promise.

I hope you will not forget to invite the Speaker. I shall write to him: and ought not the Governor to be invited to the meeting of the Board? If this is thought best, I should not recommend a mere Secretary's Signature; but a letter from you. The occasion is delicate; and without compliment, I know no gentleman better qualified to mingle the *Utile Dulci* than yourself.¹⁷

Although Tyler ends up flattering Sanders, there is no doubt that the trustee is politely but firmly telling the president what to do. Tyler is making very clear what he thinks is the best course of action and making it equally clear that he feels this course should be followed. Finally, Tyler is telling Sanders to schedule the Exhibition and the board meeting at a time convenient for Tyler, when he will be in Burlington for the term of court.

The letter leaves no doubt of the importance of Tyler's role in the affairs of the college. His deep involvement is further borne out by the following letter to Judge Leland. It also serves to explain the "proposed plan of operations" mentioned in the previous letter.

You will perhaps recollect that Elder Green and myself, as agents to the Corporation of the University of Vermont, presented an address to the Governor on his election to the Chair. You have probably seen the protest of Mr. Worcester.

16. *Ibid.*, p. 227. Leland had a distinguished public career. He was a representative in the House from 1801 to 1810, elected lieutenant governor for five years, 1822-26, and served 18 years as assistant judge of the Windsor County Supreme Court.

The Rev. Leonard Worcester (1767-1846), became minister of the Congregational Church at Peacham in 1799 after having served an apprenticeship as a printer to Isaiah Thomas, the noted Worcester, Mass., publisher. Worcester was displeased with Sanders as well as Tyler. He objected to the "liberal" leanings of the college president, a Unitarian in the Harvard College mould. Worcester was a staunch Congregationalist (see Lindsay, pp. 66, 79).

17. "TPT Memoir," pp. 226-27. The letter is undated but obviously comes immediately before the correspondence of March 12, 1808, to Judge Leland cited below in footnote 19.

In this protest he has declared, that he could not participate in our joy, as he was sincerely sorry at the change of the First Magistrate. . . . I do serve that this assertion . . . has thrown my Burlington associates into an awkward dilemma. They must support Worcester, or their agents [i.e., Tyler and Green]. They have concluded to do the latter: and to effect it in the most public manner, a meeting of the Corporation is to be called . . . during the Session of the Supreme Court in Burlington. Our address is to be backed up by an official address of the Board; and the Governor is to be invited to attend, as President of the Corporation, at an Exhibition, which will be held on the 6th or 7th of June. You will have an invitation. You may depend on being treated with more than ordinary civility; and will be at no expense whilst there: and perhaps your expenses *on the way* borne; but of this last I cannot answer; it will depend on the vote of the board; but I am told that distant members, especially the clergy,¹⁸ have been always relieved from expense. We shall have some amusement; and you will have an opportunity of doing some good: which I know you love to do. As a farther [*sic*] inducement I want to converse with you, having something personally interesting to communicate. . . .¹⁹

This letter reinforces the impression that Tyler was helping to run the show. He was the one making the arrangements so the meeting of the board would become a vindication of his dealings with the governor and the new Republican administration.

At times, the impression is also created that Tyler was taking care of many of the college's administrative details. He told Sanders not to use a secretary but to write to the governor personally, and Judge Leland, in his response to Tyler's letter, said he was depending on Tyler to notify him of the next board meeting. Leland explained that he very much looked forward to attending, but "my only fear . . . is, that the President will forget to write to me, and I shall not know what day it is . . . Permit me to depend on you for information. . . ."²⁰

In the end, everything was resolved to Tyler's satisfaction. The meeting vindicated his actions, Worcester was silenced, and the college moved on to the next crisis, whatever it might be.

In order to provide greater legislative control over the affairs of the university, in October 1809 the legislature passed an act reforming the Board of Corporation. This was accomplished by giving the legislature the power to appoint the members of the board once vacancies occurred. This power

18. Leland was also a Baptist minister, serving as pastor of the parish in Chester from 1788 until his death in 1833.

19. "TPT Memoir," pp. 227-29. Apparently no copies of Rev. Worcester's pamphlet have survived. It is not cited in Marcus A. McCorison, *Vermont Imprints, 1778-1820* (Worcester, 1963), and thus appears to be a previously unknown Vermont publication.

20. "TPT Memoir," p. 229. Tyler corresponded with many persons about the welfare and administration of the college. Unfortunately, only a small number of these letters have survived. One of these is from Tyler to Cornelius Van Ness, later governor of Vermont, dated June 15, 1810 (at the Vermont Historical Society, Ms. 810365).

was reinforced by another act passed one year later, in October 1810.²¹ This disruption took place simultaneously with the fall elections of 1810, in which the Republicans renewed their successes of 1808. The university suffered much from the political animosities of the times. This, together with the changes of the board, caused Sanders to worry greatly about the future stability of the college. He wrote to Tyler for advice on December 5, 1810.²²

Apparently Tyler was still attempting to reconcile the warring factions on the board because the president said he would show Tyler's last letter to certain persons since it was "so well calculated to conciliate and unite on our common interests."²³

Sanders said he was pleased that Tyler was involved in "drafting our Charter. It is fortunate that it has fallen into hands, where legal information and Classical accuracy are sure of being united."²⁴ The president also thanked Tyler for cultivating the good will of several clergymen in southern Vermont favorably inclined toward the college, and he was also pleased to hear that Tyler was trying to talk Attorney William C. Bradley into sending some of the duplicates in his library to the university. Furthermore, Sanders thanked Tyler for his "efforts to procure us scholars."²⁵

Besides raising money among clergymen, procuring students, obtaining books and conciliating political differences, Tyler was also helping Sanders obtain a faculty. On Tyler's recommendation, the college engaged the Reverend Jason Chamberlain, A.M., Congregational minister in Tyler's old home town of Guilford, as Professor of Learned Languages, starting in August 1811.²⁶

Apparently Tyler had been wont to speak his mind on what was best for the university, for Sanders said that "you need not apprehend you write 'too

21. In October 1809 the legislature, to reform the board, passed an act which "contemplated the appointment of a Corporation of the University by the Legislature at certain given periods." The total membership of the board was set at 15 (see Lindsay, p. 91). The report of the legislative committee in 1810 is contained in *Vermont State Papers*, Office of the Secretary of State, Vol. 74, p. 22 (hereafter cited as *VSP*).

22. The manuscript letter, recently purchased by the university, is in its Archives. A lengthy epistle, it is extremely important in establishing the close relationship which existed between Tyler and Sanders. It is not entirely correct to think of Sander's letters to Tyler as the typical, fawning type which any college president can write to any potential supporter or contributor. The correspondence shows a close affinity of thought and philosophy between the two men, and although there is no proof for the statement, possibly even a close personal relationship.

23. *Ibid.*

24. *Ibid.*

25. *Ibid.* It is impossible to determine which students Tyler helped obtain for the college, or the amount of money he raised. His financial situation would not have made it possible for him to give much himself.

26. "TPT Memoir," p. 184, and Lindsay, p. 108. Chamberlain (1783-1820), was graduated from Brown in 1804 and settled at the Congregational Church in Guilford in 1808. After serving as professor at U.V.M. from 1811 to 1814, he went to Jackson, Mo., and practiced law. He drowned while on the circuit of court in Arkansas in 1820. An interesting remnant of his service at the college is: *An Inaugural Oration, Delivered at Burlington, August 1, 1811. By Jason Chamberlain, A.M. Professor of the Learned Languages in the University of Vermont.* . . . (Burlington: Samuel Mills, 1811).

plainly' . . ." The president further stated: "You are taking great pains to benefit our College. Your present labours, no less than your vigilant cares at our Legislative Session, witness this. I hope the institution will one day be able to reward your attention to its several interests."²⁷

Less than two weeks later Sanders again wrote to Tyler. This correspondence of December 17 again shows the extent to which the president looked to Tyler for leadership and direction.

Immediately on receiving your very obliging letter . . . I lost no time in showing it, agreeably to your expectations, to Col. [William C.] Harrington. Soon after, I showed it to Judge [Samuel] Hitchcock; who expressed himself much pleased with its conciliatory spirit, and the interest you are pleased to take in our infant University. He conceives as I do, that it rests with you to mitigate the asperities of party and local prejudices . . . Those with whom I have influence seem to be entirely satisfied . . . with the new members of the Corporation. The chief difficulty will arise from those over whom you have the entire ascendancy. . . . Perhaps the College may still be kept from the vortex of local political or religious parties. . . .²⁸

If Tyler was being called upon to "mitigate" the opposition to the university, and if that opposition came from persons over whom the Chief Justice alone had "entire ascendancy," what Sanders was saying, in plain terms, was that Tyler had it in his power to solve all the problems facing the institution on the political scene. It was no mean task that Tyler was asked to undertake.

The year 1811 opened with a burst of activity. On January 2nd was held the first meeting of the board under the new dispensation agreed upon by the legislature the previous October. In the morning the Board of Trust, the members of the Supreme Court, other dignitaries and "citizens of this and the neighboring towns" assembled in the university chapel where the new Charter of Incorporation was read. Tyler, as Chief Justice, administered the oaths of allegiance to the United States and Vermont constitutions to the eight members of the board present.²⁹

In the afternoon the board assembled for its first meeting. It immediately showed signs of new vigor. Tyler and an old friend, William C. Bradley of Westminster,³⁰ were appointed a committee to report on "what officers are now attached to the college and what new officers are further required."³¹

27. Sanders to Tyler, Dec. 5, 1810; cited above.

28. "TPT Memoir," p. 280. The minutes of the board show that Tyler was extremely active in university affairs at this particular time. He is noted as present at the sessions of Oct. 18, 19, 20, 22, 23, 24, 25 and 30, 1810.

29. Lindsay, p. 91.

30. William C. Bradley (1782-1867) was the son of Stephen R. Bradley, U.S. Senator from Vermont. William, himself a noted attorney, served in the 13th, 18th and 19th Congresses and was an agent of the U.S. Government under the Treaty of Ghent to fix the Maine-Canadian boundary line, 1815-20.

31. Minutes of Jan. 2, 1811.

Apparently the two men met and reached their findings that evening, for the next morning it was decided by the board that the college needed new professorships in the fields of the learned languages, the belles-lettres, chemistry and mineralogy, medicine, and law.³² The trustees accepted the Tyler-Bradley committee report, immediately and unanimously elected Tyler Professor of Law, his inauguration to take place "on the day succeeding the next commencement."³³

Although the new men had completed part of their charge, another important duty remained. Tyler and Bradley, together with Titus Hutchinson, were asked by the board to recommend and frame a new system of by-laws.³⁴ Apparently, the men worked on the project through the winter, spring and early summer as other duties permitted. In 1801 Sanders had drawn up a set of college regulations. These proved inadequate and in 1810 they were revised and printed. Yet, the board obviously felt these were still insufficient to the needs of the growing student body. Thus, the committee was asked to undertake a more complete and more extensive rewriting of the bylaws.

The original university laws had been borrowed from the Harvard regulations of 1734 and later revisions. It is natural that Tyler should have re-examined the Harvard statutes when he sat down to draft anew the university bylaws. Yet, with Tyler's skills as an attorney and writer, it is also natural that the finished product was not a mere copying, but a distillation of his own broad intellect. A comparison of the manuscript 1810 laws with the proposed regulations submitted by Tyler's committee in 1811 shows that Tyler expanded points which required more detail and condensed sections which were too long. He added material to clarify details which

32. The report of the committee is included in the minutes cited above, footnote 31. Among other recommendations, the committee proposed the election of "a professor of law to enter upon the duties of his office from and after the next commencement and who shall receive no salary, but depend for his compensation upon a reasonable charge for his lectures to those students who may attend them, as is customary in other universities."

The dependence on fees rather than a salary was common in that day for professors of medicine and law. While the Rev. Eliphalet B. Coleman, the college's first tutor in the fall of 1804, had been promised an annual salary of \$250, Dr. John Pomeroy of Burlington, who was lecturer in "chirurgery and anatomy," had to rely on student fees for a living (Lindsay, p. 73).

The idea of a professor of law at the university was not a new one. As far back as 1796, the Rev. Samuel Peters felt that one should be appointed to the faculty. His suggestion was never acted upon. (See Lindsay, p. 39).

33. Minutes of Jan. 2, 1811. Commencement was held on July 31st in 1811. At the January session the trustees asked Tyler to assist Sanders in drafting "an address to be presented to the public," apparently to announce the new organization of the corporation. If this "address" was ever printed, it has disappeared, since no known copy exists today. (The minutes state the above action was taken on January 2nd; Lindsay, p. 92, says it occurred on January 14th.)

34. Minutes of Jan. 3, 1811. The initial report of the committee recommended a new system of laws before the next session of the legislature, but in the meantime suggested additions and changes to the current (1810) statutes. The committee was charged by the board to "make report to the next meeting of the corporation."

were obscure and deleted portions which were superfluous.³⁵

The committee presented the draft regulations to the board at its meeting of July 28, 1811. The covering letter, signed only by Tyler and Bradley, says that the new statutes were "the best result of their labors . . ." ³⁶ The 18-page manuscript of the bylaws in the University of Vermont Archives is in the hand of a scribe, but it is obviously the one retained by Tyler and used by him while the laws were under discussion by the board at the July 28th meeting. In the margins, next to certain sections, are notations by Tyler, and within the manuscript itself there are additions and deletions he made during the debate over its acceptance.

Except for a few minor changes, the work of Tyler and Bradley was accepted by the board to become the new statutes of the university, effective as soon as they could be promulgated.³⁷ With this project behind him, Tyler prepared to assume his new duties as Professor of Jurisprudence, due to start the following month. At the meeting of the corporation on June 30 the following resolution had been passed: "That Hon. Royall Tyler an alumnus of H. U., be admitted *ad eundem* to the degree of A. M. in this University."³⁸ Tyler became Professor of Law concurrent with the college term opening in the fall of 1811.³⁹

Unfortunately, the surviving records of the college do not allow us to ascertain how many students Tyler tutored in law during the tenure of his professorship between August 1811 and March 1814. The minutes of the corporation, however, do prove he remained active as a trustee. He was present at the board meeting of July 12, 1812, but did not attend the gathering of July 27, 1813, at which time he was discharged, at his request, from a committee on adjustment of claims, to which he had been appointed the previous year. Tyler did make the meeting held in Montpelier "in the house of George Rich" on October 21, 1813, and from the minutes it appears he was still representing the interests of the university before the

35. The manuscript 1810 laws are in the Wilbur Collection, Guy W. Bailey Library, at the university. From these was printed *The Laws of the University of Vermont* (Burlington: Samuel Mills, 1810). The manuscript 1811 laws compiled by Tyler and Bradley are in the university archives. See also *Tyler Prose*, pp. 286-87. For background on the Harvard by-laws, see Lindsay, p. 84.

36. The dated covering letter is attached to the 1811 manuscript laws cited above. Since Hutchinson did not sign this letter it appears that he played little or no part in the drafting of the new regulations. Tyler signed the letter as the principal, leading one to deduce he was primarily responsible for the majority of the work.

37. Minutes of July 28, 1811. Tyler was present at the meetings of July 27, 28 and 29, all held during Commencement Week. Although the minutes are vague, they do give the impression Tyler was at several other meetings of the board in June, July and August of that year.

38. Minutes of June 30, 1811. Tyler was probably the first honorary degree recipient at the university. Valedictorian of his class at Harvard in 1776, he had also received a second B. A. *honoris causa* from Yale the same year. The other new faculty member, Rev. Chamberlain, also assumed his duties that fall.

39. This is reflected in two reports from the college to the legislature in October. The first one, dated October 9th, is signed by Sanders and Hitchcock. They also state that there were 22 students at the college and that "the whole amount of Tuition, Room rent and attendance on the public Lectures is the very moderate sum of twelve dollars per year . . ." (*VSP*, Vol. 74, p. 25). The other report is dated October 29th (*VSP*, Vol. 74, p. 30).

legislature. It seems, however, that this was the last meeting of the board which Tyler was to attend, although no reference can be found in the minutes to his resignation.⁴⁰

He continued to serve as Professor of Law until March 24, 1814, when the college campus and buildings were occupied by United States troops stationed in Burlington to defend the northern frontier from threats from Canada following the outbreak of war between the United States and Great Britain.⁴¹ The war caused Tyler to sever his ties with the university. The storm clouds on the border made him defer and finally postpone his long-standing decision to move his family from Brattleboro to Burlington. Land-locked southeastern Vermont suddenly looked much safer than Burlington, along the invasion route from the north. When the college reopened in 1815 there was no Professor of Law, and there has not been one to this date. Tyler stands as the first and only Professor of Jurisprudence at the University of Vermont.

Tyler had completed his service on the Supreme Court bench in 1813 and had looked forward to reopening his law practice in Burlington.⁴² However, his eldest son and namesake, Royall, had died tragically in November 1813 of typhoid fever while a sophomore at the university.⁴³ This loss of his son touched him deeply and Burlington, the scene of the fatal illness, became associated with sadness rather than joy. Tyler retired to Brattleboro and practiced law and his avocation of writing until a cancer of the face, which adversely affected his eyesight, curtailed his activities by 1818. He died in 1826 and is buried next to his son in Prospect Hill Cemetery at Brattleboro.

And so passed one of the earliest supporters of higher education in Vermont. He contributed time and effort and his considerable talents to the growth of the fledging University of Vermont. Although Sanders expressed the hope in 1810 that "the institution will one day be able to reward your attention to its several interests" no monument, no plaque, no tangible symbol commemorates Tyler's service. It is probably as he would have wished. Modesty marked all his life's work. The sunshine of worldly fame was not his goal.

40. Minutes of July 12, 1812; July 27, 1813; and Oct. 21, 1813.

41. An interesting letter to the legislature, from Martin Chittenden and Heman Allen for the university corporation, outlines the problems attendant with the coming of the troops. They said that the soldiers "ranged without constraint thro' the halls, breaking open doors & in the absence of the Students, pilfered their books and other articles . . ." The two men added that attempts to enforce order were fruitless. Chittenden and Allen said that operations would resume when the war was over. The correspondence, dated Oct. 22, 1814, is in *VSP*, Vol. 74, p. 48.

42. "TPT Memoir," p. 283. See also Sanders' letters of July 24, 1803 (in "TPT Memoir," p. 179) and of Dec. 5, 1810 (cited above, footnote 22). The president too voiced the hope that Tyler would open his law office in Burlington following his retirement.

43. For letters from Tyler to his wife and brother, recounting his vigil at his son's sickbed, and his subsequent death, see three manuscript letters at the Vermont Historical Society, Ms. 813554, 813559 and 813606.