

The Philosophical
Society of Texas

PROCEEDINGS

1940

PROCEEDINGS
OF THE ANNUAL MEETING
OF

The Philosophical Society of Texas

SAN ANTONIO
DECEMBER 11, 1940

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MEMBERS and invited guests of the Philosophical Society of Texas assembled in historic San Antonio de Bexar on December 11, 1940, to observe the 103rd anniversary of the founding of the Society, which fell six days earlier on December 5.

During the afternoon they were the guests of the Honorable Maury Maverick, Mayor of the City of San Antonio, who personally conducted them on an inspection tour of the remarkable conservation and beautification work recently carried out in the major historic shrines and landmarks of the city.

A number of the visitors viewed for the first time the gratifying improvements in the surroundings of the Chapel of the Alamo, Mission San Jose, other missions of the vicinity and other sites memorable in the history of Texas. This program of betterments had been made possible by the joint enterprise of the City of San Antonio, the State of Texas as represented by its Texas Centennial Commission and the Federal Government as represented by its United States-Texas Centennial Commission, Works Progress Administration and other qualified bodies.

As a native of San Antonio and descendant of Texas pioneers who helped Texas win her freedom, Mayor Maverick took justifiable pride in pointing out those measures of enhancement in the historic city in which he, as chief executive and former representative in the Congress, had taken a leading part. Among these is the final harnessing of the flood waters of the San Antonio

River which courses through the heart of the city, together with the surpassingly beautiful parking and planting of the banks of the stream through the business district of the city.

Because it is the latest development, the restoration of La Villita within the shadows of the present-day skyscrapers in downtown San Antonio proved the highlight of the tour for many of the visitors. This original Little Town goes back to the earliest days of civil settlement within the boundaries of modern San Antonio, having sprung up when the military garrison of San Fernando de Bexar was established in the early part of the Eighteenth Century. Financed in large part by the Federal Government, this \$500,000 restoration enterprise provides a living museum unique in America and offers a center of the arts and handicrafts which will prove a strong reinforcement of growing ties of friendship and understanding between the English-speaking and Hispanic-speaking Americas.

The annual dinner was held in the Tapestry Room of the Saint Anthony Hotel. The banquet hall was tastefully and appropriately decorated, with two large silk flags, those of our common country and of the Lone Star State, dominating the background. Through the personal interest of Mr. Paul McSween, executive head of the Saint Anthony Hotel, the dinner was perfectly appointed and served to the admiration of the assembled company.

The origins of the Philosophical Society of Texas are to be found in the decision of twenty-six of the leading men of the Republic of Texas to establish an or-

ganization dedicated to the collection and diffusion of knowledge. They met in the Capitol at Houston and accomplished this purpose on December 5, 1837. The Society was reorganized by a group of citizens on December 5, 1936, as part of the observance of the Centennial of Texas. Prior to this date they had received a charter from the State of Texas which states the purposes of the Society to be the perpetuation of the memory and spirit of the founders, the encouragement of literary, scientific and philosophical research and the fostering of the preservation of documents and materials of historical value.

Membership in the Society is extended by invitation, following the proposal of and a favorable vote upon a nominee by members of the Society. By-laws of the Society provide that not more than one hundred Active Members, not more than fifty Associate Members and not more than twenty-five Foreign Members may be elected and hold membership in the Society at any one time. Active and Associate Members must have been born within, or must have resided within, the boundaries of the late Republic of Texas.

Members and their guests present at the meeting on December 11, 1940, were Sam H. Acheson, Judge James P. Alexander, Dr. H. K. Aynesworth, Mr. and Mrs. Thomas E. Baker, Dr. E. C. H. Bantel, Dr. W. J. Battle, Mr. and Mrs. M. Bodansky, Mr. and Mrs. George Waverley Briggs, Dean and Mrs. A. P. Brogan, Dr. and Mrs. C. E. Castañeda, Dr. and Mrs. J. L. Clark, Dr. and Mrs. Thomas Stone Clyce, Mr. and Mrs. G. B. Dealey, Dr. E. DeGolyer, Mr. and Mrs. Homer C. DeWolfe, Miss

Adina DeZavala, Mr. and Mrs. O. M. Farnsworth, Mr. W. S. Fisher, Dr. and Mrs. H. J. Ettlinger, Mr. and Mrs. Herbert P. Gambrell, Mr. Max B. Gebauer, Dean Gibb Gilchrist, Dr. William D. Gill, Mr. and Mrs. George A. Hill, Jr., Dr. Robert T. Hill, Dr. W. C. Holden, Dr. William E. Howard, Miss Julia Ideson, Mr. and Mrs. L. W. Kemp, Mr. and Mrs. Frank H. King, Mr. Lucius M. Lamar, III, Mr. F. M. Law and Dr. David Lefkowitz.

Attorney General and Mrs. Gerald C. Mann, Mr. and Mrs. D. K. Martin, Mayor and Mrs. Maury Maverick, Dean and Mrs. Charles T. McCormick, Dr. John O. McReynolds, Mr. and Mrs. Harry E. Moore, Mr. and Mrs. J. M. Moroney, Mr. and Mrs. W. M. Murdock, Mr. and Mrs. Rue O'Neill, Mr. and Mrs. John E. Owens, Mrs. Hallie Bryan Perry, Mr. W. R. Phipps, Dean and Mrs. C. S. Potts, Dr. Charles W. Ramsdell, Dr. Marshall A. Ramsdell, Dr. and Mrs. Edward Randall, Mr. and Mrs. John E. Rosser, Miss Frances Scarborough, Mr. and Mrs. Victor H. Schoeffelmayer, Mr. and Mrs. Clayton Scott, Dr. and Mrs. D. R. Semmes, Mr. and Mrs. Joe S. Sheldon, Mrs. Dorothy Clyce Smith, Dean and Mrs. John W. Spies, Dr. Henry Trantham, Mr. and Mrs. N. C. Tulloss, Dr. and Mrs. Wm. Ward Watkin, Dr. Walter P. Webb, and Mr. and Mrs. Frank W. Wozencraft.

Mr. George Waverley Briggs, president of the Society, presided. The invocation was given by the Reverend Doctor Thomas S. Clyce, president-emeritus of Austin College.

Introductory Remarks by the President

Members of the Philosophical Society of Texas, Ladies and Gentlemen:

IN celebration of the one hundred and third anniversary of the founding of this association of distinguished men and women, it is my high privilege to call the Philosophical Society of Texas to order in its annual meeting.

To every member of the association and to every guest, I address the Society's most cordial greetings. You are all, indeed, "well come" to this festal board, and into this beautiful, hospitable and romantic city.

I feel, moreover, that I am guilty of no presumption when I say that we must be vividly aware of the singularly appropriate conjunction of time and place which characterizes the gathering of this eminent company tonight. If such a conception had formed no part of our anticipations of the occasion, it certainly came to us this afternoon in swift and graphic revelation as we accompanied His Honor, the Mayor, on the memorable pilgrimage which he so skillfully conducted for us over the sacred pathways of the city's glory.

Amid the serenity of universal peace and amity, no worthy Texan could visit San Antonio without responding afresh to the elevating influence of its hallowed memories. Instinctively, the true American, though a stranger, would stand uncovered, reverentially proud and humbly grateful, before its impressive tokens of mankind's struggle for liberty and independence; but today, with destructive forces progressively engaged

throughout the world in dismantling democracy and reducing freedom to an abstract conception, the true American heart, touched by the mighty import of this city's history, surges with a sterner, bolder and more dynamic emotion than passive appreciation of the transcendent deeds which have endowed it with immortality among the cities of men. It flows from the grim realization that our time may be near at hand to vindicate the faith which the heroic Texans of the past reposed in us to make good their martyrdom. All about us, through mystic voices which time can never still, we have heard the proclamation of their faith. In the majestic stanzas of their epic story—surpassing in the grandeur of historic truth all the splendor of poetic imagination—there are distinctly audible the stirring overtones of direct and peremptory challenge to our own fidelity to the cause to which they freely gave “the last full measure of devotion”. As of old, the melody fills our hearts again with admiration, thankfulness and respect for the sublime achievements by which our glorious forbears acquitted their obligation to us, but what is of far greater moment, to us and to all the world: it quickens, and, I hope, shall ever sustain our sense of definite responsibility for the preservation, and the passing on to our children, of the priceless heritage of freedom and independence which has thus come down to us under the solemn sanctions of a solemn trust.

It is the proud and confident hope of this Society that these heroic men—those who lived to establish this order of merit, and those who died before its founding—all by their example, as by their precept, shall be forever venerated and esteemed as staunch disciples of the

loftiest of philosophical faiths. They believed that if human nature is the primary field of philosophical inquiry, the philosopher is obliged to bestow his primary interest upon mankind and concentrate his studies upon the circumstances, conditions and forces by which human welfare is radically affected for weal or woe. In their reasoned judgment, strict adherence to such process of examination would lead the competent philosophical mind to the inevitable conclusion that the origins of human happiness and progress have been found chiefly in liberty, and that the prolific source of human misery, and the stubborn restraint upon human enlightenment have been generated chiefly by oppression. Hence, from the beginning of recorded time, the most persistent and pressing problem of the human race has been to secure its emancipation from every form of despotism or tyranny, by which successive ages of the world have sought to control or dominate its life.

To contribute to the solution of this paramount problem in human relationships, these men were willing—yea, eager—to sacrifice, suffer and die! They reserved no secret, timid or ignoble doubt of its susceptibility of solution. Nor did they shrink from an effort that might falter or fail. In their philosophy, to which they were wedded as to their belief in God, it is taught that a moral principle is never dissolved or dissipated. It is as permanent, powerful and universal as the immutable laws which hold the planets in their courses and toss the tides upon the bosom of the sea. There can be no failure, therefore, even if the immediate undertaking bring utter disaster to him who assumes it, in heroic championship of an eternal truth.

In consequence, they held tenaciously, with all the determination of intelligent mind and resolute heart, to the lofty doctrine that mankind can know what virtue is, for virtue does exist, and, existing, needs only to be emulated to be attained; that we can learn how peace may be found by releasing the vital forces of justice and good will; and, above all, in the espousal of this philosophy, they resolved, without hesitation or debate, the great question of the ages: Whether God made man for a higher pursuit and a higher destiny than are designed for the "dumb, driven cattle" of the field.

Accordingly, in this sublime faith, these immortal Texans were emboldened to assert that the man who does not believe with his whole mind and heart in freedom; who will ever suffer himself to belittle it, or to disparage the eloquent vigor of Magna Charta or the Declaration of Independence; or who will allow any catchword, cult or technicality, or any sense of expedient neutrality, to detain his sympathies from the side where the spirit of liberty struggles against infamy, fraud and force for a firmer foothold—such a man can not be said to live in America or in Texas! He is spiritually an alien, warmed by a Western sun, nourished by American wheat and corn and beef, clothed by American cotton and wool, sheltered by American handicraft, using perfunctorily the vehicle of Anglo-Saxon speech, and enfolded and protected by the bulwarks of a history with which he has no vital concern and which he feels no sacred passion to preserve!

"A man may dwell in Paradise and dream of a cabbage garden; or he may dwell in a cabbage garden and

dream of Paradise. The dwelling shows merely where he exists; the dream determines where he lives."

Where a man's deepest interest is—not in the space he occupies—there is his life! Some one has said that, if one had hunted for the Apostle Paul in Ephesus, he would have been found working on sailcloth in a tent-maker's shop; but within this tent of time, there were whisperings of celestial melodies which no other human auditor could have heard, while a subtler light than that of the sun played about his needle as he faithfully stitched the Sicilian canvas—"a light that never was on land or sea". Where Saint Paul's interest was, there was his life! What nobler precept can the American citizen rule his own life by today?

And so, in this troubled hour, my friends, these great and glorious figures of the past, with whose spirits we have communed today, like the ghost of Theseus before the Athenians on the field of Marathon, appear to us in brighter and more impressive imagery. The ineffable presence of Travis and Bonham and Crockett and Bowie, impalpable, yet immanent and powerful, inspires us for resistance to the dangers we may confront, even as the ancient hero gave courage and strength and will to conquer to Miltiades and his immortal band. It has been manifest to us today, and surely we shall cherish the revelation as a sacred canon of our patriotic faith, that the virtue which a nation enshrines in its traditions and in its fame remains an indissoluble element in its deepest present life. Truly, therefore, "the shades of the fathers are as substantial a rampart for a land as the swords of their children".

And now, ladies and gentlemen, I know that you have

enjoyed the conversation, one with another, around this banquet board; the music of old, familiar, melodious and patriotic airs, and the refreshment provided by the Saint Anthony's unsurpassed cuisine. In the *piece de resistance* soon to follow, I assure for you even a more delectable repast—an intellectual refection, nourishing in the richness of its wisdom, stimulating in the rare and mellow vintage of its erudition and wit, and piquant, and, perhaps, spicy in the aromatic flavor of its garniture and grace. The speaker of the evening is a distinguished member of this Society, a native Texan, scholar, philosopher and statesman. He is, above all, a gentleman, amiable, modest, capable and true, who cherishes no illusions about himself, his aspirations or his labors. Professor of philosophy at the University of Chicago, he is loved and admired by student and faculty alike; Congressman-at-large from the State of Illinois, the Hall of the House of Representatives supplies a sounding-board for his eloquence which carries his persuasive message into the responsive hearts of his colleagues, constituents and the nation from coast to coast. You will hear him with rare entertainment, advancing admiration and profound respect. I present him to you now in the charming person of the Honorable T. V. Smith, Ph.D., of Texas and Illinois. Doctor Smith!

LAW AND ITS LEEWAYS

T. V. SMITH

THE law-giver—or, as we moderns say, the law-maker—sits midway between heaven and earth spinning his web of the obligatory. He is engaged in weaving into one pattern the warp of the solitary ideal and the woof of collective action. As individual conscience marks the convergence of ideality and actuality in the life of the man, so law represents the common ground between collective mentality and co-operative endeavor in the life of the nation. Had one, therefore, but the insight of a seer, he could observe for himself the law-maker reaching up, as it were, into dimensions ideal to reduce to statute segments of the better-yet-to-be, and then groping downward through realms administrative to put into practice the ideal thus prisoned in his net of words. There is lenient leeway in both directions.

I. THE LEEWAY IDEAL

Upward there is leniency unacknowledged by young men in a hurry and unremembered by old men grown stiff of joint. The realm of the ideal is as multitudinous as that "jolly company" celestially seen at night when sky grows clear and eyes of youth are shining. No man knoweth the number of either stars or ideals: both are as the innumerable sands of the seashore. The realm of ideality is bounded on the North, so to say, by all that religion has meant and may yet mean; on the East by logic, guardian of Truth; on the West by ethics, Custodian of conscience, and on the sunny South by aesthetics, Lord of Beauty and of all the lesser gladsome-

ness of life. While no one of the boundaries of the ideal is itself well bounded, yet spaciouly stretching between the unbound boundaries are mingled without clarity of category all that men have admired, all that men have esteemed, all that men have chosen—and indeed all that men may yet admire, esteem, choose. How much more, who knows? But these are certain, and these are enough as content for courageous hope or for weak despair.

More concretely, this upward dimension of man's reach includes the Holy, the True, the Good, and the Beautiful. Not only what men at any time or place have agreed upon as any of these, but also what any and every man at any time and every place has individually admired, esteemed, or chosen. There in the Northern segment of ideality is all the gentle holiness of orthodoxy and equally there are all the several wry holinesses of all the stout heterodoxies that men have ever broached or blasted. This region is the depository of all dogmatic treasures of Mohammedanism, of Judaism, of Buddhism, of Confucianism, of Taoism, of Christianity, of Mormonism, of Christian Science—and equally there the safety vault of all the humbler and cruder varieties of all the orthodoxies and heterodoxies of lesser mankind. That this Northern segment of the skies of Betterness, which Holiness inhabits, is well peopled, let there never be a doubt.

Equally well tenanted is the logic-land of the Ideal East. Look for a moment in that direction. There hold forth all the truths of all the orthodoxies and all the heterodoxies not only of all religions and sub-religions which claim to be true as well as holy, but there also are secular truths deductive and truths inductive. There,

too, are the truths of art and the truths of science. And if there be any further forms of truth, extant or imaginative, these too are tenants of this Eastern terrain of the Ideal.

With eyes still eager, look you now upon the West to see further galaxies upon galaxies of earthly and super-earthly ideals; for there you will find all that passes, has passed, or will pass for Right or Just. Moreover, every species of Goodness since time began is there, rare beyond description in fecundity and variety. Kindness and Gentility and other types of the mellow virtues fill up to infinitude the lower lands of that Western segment of the kingdom of the Ideal. Let no idealist in love with the nay-sayings of morality dare look upon that lustrous infinity of affirmation; for to contemplate this scene is to admire or die.

Having beheld all this, you are yet contemplatively poor until you look full upon the face of Ideal Beauty. Turn Southward, then, and view with shaded eyes the very zenith of Ideality. "Beauty shining in brightness" reflects its radiance from myriads of façades; and as the reflections pass into one another through the melodies of mind, you will remember and be grateful for Plato's description of Beauty as a "soft, smooth, slippery thing, and therefore of a nature which easily slips in and permeates our souls".

Before you are not only the primary beauties thick and gorgeous like the basic colors, but also aesthetic satellites of all other value constellations: look you upon the beauties of all religious values reflected here from the Northern lights, but inimitable each in its shaded order of worth. See, too, the beauties of Truth diversi-

fied and the more austere excellencies of all the moralities touched with their own aesthetic aureoles.

Let now your eyes rove around that eternal gallery once more: from North to East to West to South. Fix well in your mind the clarities of all pure ideals before facing finally the churning verities of the central vortex of the cosmos of value, where all these idealities meet and mingle. If you have looked where we have pointed, the glory will long keep shining and bright in your eyes and the stars of utter ideality be going round in your head.

Nor need I remark now in detail what all this has to do with law. It marks law's upper leeway. Not one of these values—religious, logical, moral, or artistic—but that may be made to inform a statute. One law-maker, reaching up to snatch substance for his personal fulfillment may choose one value, another another, until with the full turn of the zodiac each essence of eternity is in turn prescribed as obligatory. Look how many of our value descriptions—from the North, from the East, from the West, from the South—have already been made prescriptions of law. And the end is not yet, nor ever—not until the twilight of life has twinkled out and the history of effort is as a book that is closed to mortal striving. For, mark you this:

Still a cultured Christian age sees us scuffle, squeak
and rage,

Still we pinch and slap and jabber, scratch and
dirk;

Still we let our business slide—as we dropped the
half-dressed hide—

To show a fellow-savage how to work.

* * * * *

When the flicker of London sun falls faint on the club-
room's green and gold,
The sons of Adam sit them down and scratch with their
pens in the mould—
They scratch with their pens in the mould of their
graves, and the ink and the anguish start,
For the Devil mutters behind the leaves: "It's pretty,
but is it Art?"

Now, if we could win to the Eden tree where the Four
Great Rivers flow,
And the wreath of Eve is red on the turf as she left it
long ago,
And if we could come when the sentry slept and softly
scurry through,
By the favour of God we might know as much—as our
father Adam knew.

Lest, however, our Kipling-out-of-context suggest conclusions cynical, let us add that what our Father Adam knew, and what we know, is this: that ridiculous as our strivings seem for the ideal-in-action, *those who strive not, advance not*. And yet for all our sheltering moral, see how ridiculous human efforts can be, the urgency to obligate all through law to the vision of value caught by one or a few from the Mount of Reflection.

Worship God thus and so, not so and thus! In such wise runs the provincial law of Evarra, "Maker of Gods in lands beyond the sea: *'Thus gods are made and whoso makes them otherwise shall die'*." Make also your art

objects conform thus and thus; for "my ways are right and yours are wrong." Even Truth by fiat, as well as Beauty by prescription, has become once more the hard order of the day — and no snitching from foreign radio broadcasts on pains of death! Whoever tells the truth any other way than that told by some great HE, secular or sacred, let him be accursed!

These are the general forms in which tens of thousands of more specific perpetrations of the ideal have been made, and are daily being made, into law. Nothing is too trivial, from color of hair to length of bedsheets; nothing too horrible, from gallows for gossiping to death for twirling the dial—nothing whatsoever too trivial or too horrible to become law in the name of some ideal. It is as though pathetic hands reach up into the cosmic over-world of imagination, without the eye's following at all, blind hands reach up to grab as grab can from segments North, East, West, or South, and then blind hands hurl the catch upon others as obligatory to the uttermost of animal urgency.

II. THE LEEWAY ADMINISTRATIVE

"To the uttermost," I repeat, "of animal urgency." Leeway as law possesses in regard to its ideal sources, no lesser leniency has it on its way to action. The uttermost of enforcement is by no means utter enforcement of law. Not even of the best law. Of the worst, the slip twixt the snatched cup and the recipient lip is cataclysmic. We do not have to recall prohibition to know this enormous social distance between enactment and enforcement. And yet why not recall prohibition? It is an excellent example of law's second leeway.

Here was a law than which none has ever claimed more ideal sanction. Into the movement leading to Prohibition had been poured the wine of piety and the aggressions of morality, with Truth both inductive and deductive to bless the mixture as it congealed into law constitutional and statutory. How much beauty there was in it let us not now hazard; but all other ideals were freely invoked to justify what had been derived from the drives toward collective action of our best citizens. The essence of the law may indeed have been as ideal as was claimed, but it was not, for all that, made practical. That we know; for we could never get enough people to act upon it to test its ideality. They acted upon its opposite, overlooking no position between it and its complete denial: they tried its converse, its obverse, its adverse, its inverse, and, if I may say so, its perverse. Prohibition taught many good people for the first time how great indeed the distance is between law and its fulfillment in action. But no wise man needed that example to remind him of this ancient and ever-living truth. Plato clothed this truth at our cultural prime in immortal diction, calling it "the law of nature . . . that performance can never hit the truth as closely as theory;" and our contemporary Cabel has touched it with befitting pathos in describing each of his own best literary efforts as but "a human dream badly damaged at the birth."

But we must not content ourselves with the pathos of poets celebrating each age anew the tragedy of a reach that exceeds all grasping. We have at hand the concreter illustration of the law-maker's handiwork upon matters of grave and immediate concern.

Let us at once grasp a thorn to remind ourselves of the extent to which every rose of the ideal eludes the horny hand of practice. Take that rose of all present political parties, "the great principle of collective bargaining." The three stages through which this particular ideal passes on the road to moderate implementation is, in rude but true fashion, the life-history of every ideal in relation to collective action.

The first loyalty to this general ideal consists in merely proclaiming this principle for which labor has long stood unitedly. All political parties have come to see and to admit that collective bargaining is rendered necessary by the presence of organized capital as well as by ideal deduction from the general democratic maxim of equality. No political party, therefore, will now stoop to conquer labor, especially not in an election year, with less than this breastplate of little-sized loyalty, i. e., the public declaration of labor's noble principle. But there is also a middle-sized loyalty as the second step and a big-sized loyalty as a third step, both required in turn if the ideal is ever to sink itself into effective action.

The middle-sized loyalty to labor requires a law; the general principle must become statute to take on concrete meaning. The statute in this case is a double one, the Wagner Act for organized labor and the Wages and Hours Act for the unskilled and the unorganized. Remote as enactment is from enforcement, enactment nevertheless is the halfway station on the long road leading from the ideal to the practical. The passage of a law marks always, therefore, the middle-sized loyalty of men and parties to avowed principles. But the third step is necessary if practice is to ensue, especially practice along

a wide and new front, such as the front represented by the labor movement.

The third and full-sized loyalty to the principle of labor now proclaimed as statute is to be found in a specialized effort to define, to interpret, and to apply the law as drawn. Since labor in this instance is divided against itself, somebody must stand watch to see to it that those who claim to represent workers in the bargaining do actually represent the workers. Since the law was intended to be one-sided in order to rectify a long-standing other-sidedness, somebody must stand guard until two-sidedness is restored. Since, too, it is clear that there will be sabotage of the bargaining process itself, somebody must be on hand to see that evasion is circumvented and outright violations punished. Each of these guardianships is irritating and irksome, but also imperative. So the final test of loyalty to our principle is not the statute but the implementation of the statute. The final devotion to the law requires a board or commission to preoccupy itself exclusively with implementation. It is unfortunate to have to "nasty up" a noble and pure principle with the harshness of enforcement, but since that is the problem, this is the price.

As moral principles become laws only through political courage, so laws themselves pass into practice only through both courage and strategy. The Wagner Act, for instance, would have remained inoperative without the National Labor Relations Board to ascertain jurisdiction as between competing unions, to investigate complaints against employers, and to assess penalties under the law. The appointment and support of such a Board

constitutes the large-sized loyalty to labor's accepted cause. Without some such means of enforcement, the law might as well not have been passed or the principle enunciated.

And yet when all this trinity of pains has been paid as the minimum price for reducing one small segment of the ideal to some sort of operation, what premium has the yawning leeway bequeathed us? A premium of all but universal criticism of the Labor Board. The Board bears the brunt since it *is* the rub of enforcement.

The Board has confused functions, says one, which justice requires to be kept separate. It has produced strife, says another, when its sole justification was to create industrial harmony. Its whole course, says another, has been utterly one-sided and prejudiced—prejudiced, adds a fourth, against this or that labor group, certainly prejudiced, swears a fifth, against all employers. And so the indictment goes against our most honest and heroic modern effort in America to put to work a long agreed-upon labor ideal.

Such are the criticisms from within the system; but from outside the system come even weightier words against the efforts of the Board. It is, says one, making labor so strong as to endanger the industrial balance which production requires. It is at any rate, hazards another, setting up in labor itself, if not a leadership of racketeers, then a benevolent autocracy as the actual price for maintaining an outer democratic form of bargaining equality. And after all that has been well weighed, chimes in the philosopher, the effort is itself in the wrong direction; for instead of cutting down one

wrong of disproportionate power, the act creates another wrong by the artificial matching of a monopoly that ought never to have existed and ought not now to be tolerated. This way, adds the philosopher, lies fascism, the eventual organization of all competing interests into corporations and then making government the incorporator of the corporations—that, concludes our sage with philosophic finality, is the precise description of the *corporate state*, otherwise known as “fascism”.

Whether the criticism comes from within or without our operative system, there is one thing which every wise man must mark: that the criticisms, every one of them, are also efforts to apply to practice some segment of ideality snatched as best the critic could under the exigencies of argument or the pressure of party strife. When we double these two enormous leeways—that between the ideal and legal enunciation and that between enunciation and enforcement—we are led to wonder how, where honesty so jostles itself, we are ever able to choose any ideal, the more how the liberal mind can ever hang onto the ideal chosen, and most of all how we ever get anything done collectively under the natural tension engendered by such wide and honest differences.

This wonder deepens when we also remember that the natural dialectic of political reform is the logic of the crafty City Fathers of Podunkville. It is written down somewhere in the musty minutes of Romantic Statesmanship that these same City Fathers voted (1) to build a new courthouse, (2) to build it out of the material of the old, but (3) not to tear the old house down until the new one was ready for use. Do you by

any chance remember how it all turned out? Well, labor didn't build that courthouse.

That was a house not built with hands, eternal in the heavens of pure principle, mere principle, principle made pusillanimous for practice, through lethargy in facing effectively the double leeway of life.

Truth to tell, the only way we ever do achieve anything ideal in action, short of self-frustrating dictatorship, is to acknowledge and to facilitate the distinction between things personal and things social which our National Constitution enshrines from of old. Before turning to that, our final theme, let me, however, make this single observation upon the alternative way of doing public business, the totalitarian way. Dictatorship is also a human effort to bring some ideal to birth in collective action. It illustrates the most quizzical of all lags in our relations with the ideal; it illustrates the paradox that the best way to get ideals implemented is, in a certain sense, to forget the ideals themselves. The more perfection ideals promise, the less the perfection they perpetrate. The method ruins the moral, and stark evil often stares us in the face as a result of trying too impetuously to realize the good. Means justified only by ends have a wry way of displanting the ends and thus forfeiting their only justification.

Nothing could ever be stranger than this to the moral man in a hurry, that it is in the name of consciences no less sincere than his own that most irreparable harm is done to the cause of civilization. Lenin was not the last of the great conscience-devotees, those who would shatter this whole fabric of civilization to bits in the

confident belief that they can themselves remould it nearer to the heart's desire. Nor will Hitler be the last of those presumptuous in the name of some private vision of right and justice. For any impetuous connoisseur of conscience to get too eager about the Right means invariably for the rights of men to disappear beneath the iron heel of the zealot. In a way more stringent than Bishop Butler ever intended of conscience is it true that "Had it strength, as it has right; had it power, as it has manifest authority, it would absolutely govern the world." "The only way to preserve the Bill of Rights," as I have written in the *Legislative Way of Life*, "is for each to be very abstemious in presenting to the public the bill for what he calls his own rights." And no intensity of feeling about it can absolve one from the obligation to take double thought before he perpetrates his conscience in collective action.

III. THE LEEWAY CONSTITUTIONAL

This caution brings us now to our third and concluding theme, the constitutional leeway under which we get law at all from the disconcerting variety of the ideal. We confine ourselves to the national government. Our Federal Constitution is a document as curious as it is magnificent. It conceals a philosophy as well as discloses a strategy. Its strategy is to unite man's will to power and his will to perfection by dividing them, saving private freedom by setting metes to it by the bounds of public accommodation. The Constitution undertook to set up the machinery of compromise, whereby agreement might be reached from age to age upon matters in difference between honest idealists.

There is no other way of doing it, you must recognize, no other way than the worse way of dictatorship. And the more honest the idealists, the more the necessity of compromise, if dictatorship is to be avoided.

The Constitution has its own system of leeway in this difficult role of facilitating the compromise which honest idealists require but resist. Instead of unambiguously awarding hegemony to either of the three branches of government, the three are left by the Constitution under the illusion of equality, to find in the event which one shall be superior at which time. There is such leeway on this point that one age finds the Court superior through the prowess of a Marshall, who claims supremacy for the judiciary and then proceeds to take what he claims. At another time, the legislative branch pushes for its place in the sun, and through prowess captures the initiative. Lord Bryce adjudged, by the time he wrote his *American Commonwealth*, that Congress had "Succeeded in occupying nearly all the ground which the Constitution left debatable between the President and itself."

At still another time, our time for instance, the Executive turns his prowess loose to subordinate the legislative branch and to hold the judiciary in leash. The latest historian of the Presidency, Dr. Edward C. Corwin, reminds us that "taken by and large, the history of the Presidency has been a history of aggrandizement." And as regards the outcome to date, Corwin adjudges that the Presidency, next to the Judiciary, "has been most uniformly successful in establishing its own conceptions of its authority and functions."

Of all the magnificent things about the Constitution, this strategy of leeway between its own departments is next to the most magnificent: The fact that the Fathers did not try to settle what Fate alone can settle precisely, and Fate not permanently, the metes and bounds of the tri-partite ambiguity of a unitary power. Our sagacious Founders elected to leave this looseness between three branches formally equal, but actually equal in fiction alone. Rotation of superiority constitutes our constitutional safety-valve against the will-to-power which government enshrines.

But if this rotation be next to its greatest magnificence, then the very greatest virtue of the Constitution is the leeway which it arranges between government itself as the front door of political concern and the back door of individuality which furnishes private access to the galaxies of value which we have so lately been remarking. After saying what government shall do through each of its separate divisions, the Constitution, as a kind of afterthought subsequently enacted, arranged through the Bill of Rights that government shall have nothing at all to do with the major concerns of life. Here is a field in which conscience must be supreme. This we know, but what is sometimes forgotten is that this supremacy of conscience is made to cost something very dear. Conscience can remain supreme in its own house only if it renounce special competence in the domain of joint endeavor.

If there is something to be done and done by more than a few, that something is politics. And that is what most of the Constitution is about. Nobody can insist upon his own convictions there. The fact that one

thinks something right does not make it right in politics, not even if he thinks it very hard and feels it very deeply. If something is to be done co-operatively, nobody can insist upon what he thinks right. Each may have his view of the matter and each may express what he has; but nobody can insist upon his own expression. It is a matter of compromise, a process hindered by convictions too stout and balked outright by conscientiousness too dogmatic. This public field is not a happy hunting ground for private consciences; indeed for them it is a vale of tears and a valley of disillusion. Let the fanatical conscience, therefore, beware the ordeal of politics, beware it upon the pains of cynicism. And let even the mellowed conscience come to its public testing in the name of Housman's subdued sagacity:

I to my perils
 Of cheat and charmer
 Came clad in armour
 By stars benign.
 Hope lies to mortals
 And most believe her,
 But man's deceiver
 Was never mine.

The thoughts of others
 Were light and fleeting,
 Of lovers' meeting
 Or luck or fame.
 Mine were of trouble,
 And mine were steady,
 So I was ready
 When trouble came.

But what is "trouble" and frustration to the private conscience intent upon perfection becomes a rare opportunity to the human mind limbered up for political accommodation. Knowing the leeway of the ideal, the matured mind will see in the art of compromise its freest chance to achieve from what privately may seem perfection but publicly is mere provocation, a course of common action tolerable for all rather than miserable for most. In the field of collective action all things are rightly compromisable. Egad, they'd better be! The democratic law-maker is the secular saint who serves as custodian for the consciences of men who cannot safely be allowed to carry their own consciences in public.

Given the failure of justice through competing claims of right, the law-maker has the creative job of finding a justice where the old is dead and the new not yet born. He is thus mankind's midwife to bring to birth from the travail of honest conflict a roomier morality. "The law," as a wise philosopher once declared, "is the public conscience." Where this public conscience, achieved through the travail of political compromise, is not taken as better for action than any private conscience, however perfect the latter, then what is taken for action is some dictator's even more private view of the ideal, a private view already narrowed by the aggressions chronic in the nurture of every dictator yet produced.

Heavy as the price to conscience is in accepting our constitutional system of settling all public questions by compromise, it yields the peaceable fruits of righteousness for such as are exercised thereby. It leaves each person completely free to believe whatever he does be-

lieve and to say whatever he pleases, but to do no more than this save by leave of all other persons involved. Each man can explore through his own esoteric telescope the whole galaxy of values—North, East, West, and South. He can cherish the most inflexible convictions about what he has seen in the still solitude of his own soul, so long as the convictions touch only himself. That is magnificent freedom, for it leaves each devotee of the ideal free to do the sportsmanlike thing—a thing that strangely enough seems seldom to satisfy the fanatic—namely, to try out on himself what he grows so hot always and ever to inflict upon others. While he is trying out on himself this perfection, privately discovered, he can also tell his friends about it, but he cannot force them to listen when they get cloyed with his brand of perfection, as they usually do. He has all this privilege of privacy, with some public privileges of communication, without any breath of compromise touching it; but he has this priceless thing only by means of his continued tolerance of and respect for the system of compromise — solutions as regards everything between himself and others. “By accepting compromise in things that count for least, we achieve autonomy in things that count for most.” This is the meaning of our American separation between church and state, and it is the deepest wisdom of our domestic way of life.

“Compromise for the compromisable, freedom for the indispensable” — that is our tolerant wisdom as distinguished from the totalitarian way of life, in which latter all things get confused with first things and first things get lost in the resulting melee.

IV. LIFE AS RESULTANT OF THE LEEWAYS

What you may have at first taken as criticism from me of the most ideal, will not in fuller perspective appear otherwise than as a strategic effort to glorify the first leeway from which law arises. The philosophy of our law is dynamic because legislation draws indiscriminately upon the whole reaches of man's ideality. There is nothing that seems good to any man which may not be proposed for enactment for the sake of other men. The sky is the limit for proposals, but the disposal—that is different. Many perfections get proposed, few get permission to be perpetrated.

Democracy disposes of all private proposals through the tolerant method of give-and-take and thus saves permanently from compromise every private perfection that is content to retain its perfection by remaining private. And after all, what has perfection to do with the private or the public? Perfection is perfection. And perfection is mostly to preach, not primarily to practice, as the private lives declare of those who demand that others practice what they themselves do preach. Is it not enough of freedom to learn what perfection is, and then to share only what of the perfect other people want to accept, accepting from them meantime only such of their privately discerned perfection as we ourselves can stomach?

Law, crystallized thus from the leeway offered by the over-fecund ideal, is not only a product more beautiful than law so perfect that it must be perpetrated by dictation, but it is also more likely to be enforced. The only way really to overcome the other leeway and to

get law enforced is to get law accepted. Consent in the process is the road to acceptance of the result. This baffling second leeway of all law, that of getting the obligatory accepted as obligation, is thus also turned to constructive account by our loose-jointed system. Life is best when left with its leniencies, and man's eternal will to perfection thrives fullest in the interstices left unclosed by the rugged march of man's undying will to power. Perfection in idea can never substitute at law for general acceptance. Only what is largely agreed to can be enforced. Private principles are too numerous, even if they were not too precious, to support agreement. Our American way of life offers each citizen a sacred room of his own, off-center, for the private and the perfect and then regulates the central living room of life so that all may come and go at will. If one does not like company—and who likes constant company?—he has a room of his own where company cannot come. Let him retreat there to commune with the utter ideal. Blessed be the Constitutional System which through the leeway of tolerance guarantees liberty under law and perpetuates strategic compromise for the sake of a liberty beyond all reach of law.

Business Period

REPORTS, RESOLUTIONS AND ELECTIONS

President Briggs: I have the honor to announce tonight the election to membership of the following named distinguished Texans:

James Patterson Alexander	William Curry Holden
William Hawley Atwell	William Eager Howard
Mrs. Maggie Wilkins Barry	John Augustus Hulen
William Campbell Binkley	Frank Granger Huntress
Gutzon Borglum	Marvin Jones
Tom Connally	Frank H. King
Mrs. Minnie Fisher	Francis Marion Law
Cunningham	Jewell Preston Lightfoot
Adina DeZavala	Gerald C. Mann
Charles Sanford Diehl	Mauray Maverick
Henry Patrick Drought	Maurice Thompson Moore
Hyman Joseph Ettlinger	James Otto Richardson
Mrs. O. M. Farnsworth	Morris Sheppard
Sterling Wesley Fisher	Angie Frank Smith
James Lawrence Fly	Bascom N. Timmons
Paul Joseph Foik	Henry Trantham
Jesse Newman Gallagher	Frank Wilson Wozencraft
John W. Gormley	

During the past year, the Society has suffered the grievous loss by death of:

Dr. Frank Burr Marsh, distinguished member of the history faculty of the University of Texas;

Dr. Arthur Carroll Scott of Temple, founder of the Scott & White Hospital, one of the Nation's great surgeons and diagnosticians;

Dr. Jesse D. Sandefer, President of Hardin-Simmons University at Abilene, one of the foremost educators of our times;

Professor Charles Puryear, able and dearly beloved Dean Emeritus of the Graduate School of the Agricultural and Mechanical College of Texas.

The Chair asks Dr. S. W. Geiser as Chairman, Dr. H. K. Aynsworth and Dr. Henry Cohen to prepare suitable memorial resolutions on the death of these members to be incorporated in the "Proceedings" for 1940.

The Chair lays before the Society the report of the Nominating Committee which is as follows:

Your committee on nominations moves the election of the following officers and directors for the term ending December 5, 1941:

For President, WILLIAM JAMES BATTLE
For First Vice President, WILLIAM LOCKHART CLAYTON
For Second Vice President, EDWARD RANDALL
For Third Vice President, ANGIE FRANK SMITH
For Fourth Vice President, KARLE WILSON BAKER
For Fifth Vice President, WILLIAM BENNETT BIZZELL
For Recording Secretary, SAMUEL WOOD GEISER
For Corresponding Secretary, SAM HANNA ACHESON
For Treasurer, JOHN ELZY OWENS
For Librarian, WILLIAM EMBRY WRATHER

For Directors:

WILLIAM JAMES BATTLE
 GEORGE WAVERLEY BRIGGS
 GEORGE BANNERMAN DEALEY
 EDGAR ODELL LOVETT
 CHARLES SHIRLEY POTTS

GEORGE ALFRED HILL, JR.
WILLIAM ALEXANDER RHEA
WALTER PRESCOTT WEBB
HERBERT PICKENS GAMBRELL
ALBERT PERLEY BROGAN

Moved by:

HERBERT P. GAMBRELL, *Chairman*,
WALTER PRESCOTT WEBB,
GEORGE A. HILL, JR.
CHARLES S. POTTS.

The Chair hears what seems to be unanimous seconding of Doctor Gambrell's motion. . . . Are there other nominations? . . . If not, the Chair, without objection, recognizes the Society's expression of its will and declares the panel of officers and directors, as nominated, duly elected to their several stations for the ensuing year.

The Chair now derives a very genuine gratification in the privilege and the honor of presenting to you the new President of the Philosophical Society of Texas, that splendid gentleman, profound scholar and useful citizen—the Professor of classical languages of the University of Texas—Doctor William James Battle.

President Battle, received with cordial applause by the company, spoke warmly in appreciation of the Philosophical Society, its purposes and its membership, and in appropriate recognition of this token of its consideration and regard for him.

There being no further business, the Chair declared the 1940 meeting of the Philosophical Society of Texas adjourned.

BY-LAWS OF THE SOCIETY

On May 7, 1936, the incorporators adopted the following By-Laws, which reproduce in spirit and effect the By-Laws of the original Society:

Section I. The annual meetings of the Society shall be held in the city of Dallas, Texas, or at such other places in the State of Texas as the Board of Directors may select from time to time. The annual meetings shall be held on the fifth day of December—such date being the day on which the Society was founded in 1937. The Society shall meet in called meetings at such other times and places as the Board of Directors may decide. The Recording Secretary shall notify in writing all members of the Society at least ten days before the time set for such meetings.

Section II. There shall be three classes of memberships in the Society. (1) Active members, the number of which shall not at any time exceed one hundred; (2) Associate members, the number of which shall not at any time exceed fifty; (3) Foreign members, the number of which shall not at any time exceed twenty-five. To be an active or associate member a person must reside in, have been born in, or have at some time resided in, the geographical boundaries of the late Republic of Texas. All other members shall be foreign members. Vacancies in active membership may be filled from the associate memberships only. Neither associate members nor foreign members shall have voting powers. The Board of Directors may, at the express request of any active member living outside of Texas, transfer his or her classification to that of Associate Member.

Section III. Three members in good standing may nominate a person or persons for membership in the Society, such nominations to be made on forms to be supplied for that purpose and filed with the Recording Secretary of the Society, not later than one month before the annual meetings in any year. From the nominations so made, the Board of Directors shall recommend to the Society the candidates for membership whom they believe to be qualified for membership. Members shall be elected by ballot by the Society from such lists of nominations and recommendations at its annual meeting. A favorable vote of at least three-fourths of the active members present shall be necessary to the election of any member.

Section IV. The membership fee for admission to the Society shall be ten dollars, payable at the time of acceptance of membership in the Society. There shall be no further dues payable by any member of the Society. The Board of Directors may by a majority vote fix an assessment on all active members, but it shall never exceed five dollars in any one year.

Section V. The officers of the Society shall be a President, five Vice Presidents, one Recording Secretary, one Corresponding Secretary, a Treasurer, a Librarian, and ten Directors, who shall be elected by a majority of the members present at the annual meeting; which officers, at the time of their being balloted for, shall be active members of the Society. They shall hold office for one year or until their successors shall be elected.

Section VI. It shall be the duty of the President to preside at all the meetings of the Society; to see that all its decrees and ordinances are faithfully executed; to lay before the Society all communications that may have been made to him; and to submit to the Society all communications that may have been made to him; and to submit to the Society such business and matters as he shall deem deserving its attention: In case of a vacancy occurring in any office, he shall fill the same by appointment, till the next annual meeting. He may suspend until the next annual meeting any officer who shall have conducted himself improperly in office.

Section VII. In case of the death, sickness, or inactivity of the President, his duties shall devolve on the Vice Presidents in the order of their rank.

Section VIII. The Recording Secretary shall keep a book in which he shall record the by-laws of the Society, a list of the members and their addresses, a journal of the proceedings of the Society, and copies of such communications as may be ordered by the Society to be recorded.

Section IX. The Corresponding Secretary shall be charged with all the correspondence of the Society; and he shall keep copies of the same.

Section X. The Treasurer shall have charge of the moneys belonging to the Society, which he shall pay out to the order of the President; or in compliance with an express order only of the Society. His ac-

counts shall be rendered at the annual meeting, and be at all times subject to the inspection of any officer of the Society.

Section XI. The Librarian shall have charge of all books, papers and other personal property acquired by the Society, under such regulations as may be made by the Board of Directors.

Section XII. The officers of the Society shall be *ex-officio* a committee of publication, to act in conformity with such regulations as may hereafter be passed by the Board of Directors.

Section XIII. Members may be expelled for improper conduct by vote of a majority of the members present at an annual meeting.

Section XIV. Ten per cent of the active members of the Society who are in good standing shall constitute a quorum for the transaction of business.

Section XV. These by-laws may be amended by a majority of vote of the members at any annual meeting of this Society, or at any meeting called for that purpose.

OFFICERS OF THE SOCIETY

For the Year 1941

President

WILLIAM JAMES BATTLE

First Vice President

WILLIAM LOCKHART CLAYTON

Second Vice President

EDWARD RANDALL

Third Vice President

ANGIE FRANK SMITH

Fourth Vice President

KARLE WILSON BAKER

Fifth Vice President

WILLIAM BENNETT BIZZELL

Recording Secretary

SAMUEL WOOD GEISER

Corresponding Secretary

SAM HANNA ACHESON

Treasurer

JOHN ELZY OWENS

Librarian

WILLIAM EMBRY WRATHER

D I R E C T O R S

William James Battle
 George Waverley Briggs
 George Bannerman Dealey
 Edgar Odell Lovett
 Charles Shirley Potts

George Alfred Hill, Jr.
 William Alexander Rhea
 Walter Prescott Webb
 Herbert Pickens Gambrell
 Albert Perley Brogan

MEMBERS OF THE SOCIETY

- ACHESON, SAMUEL HANNA, editorial writer, *The News* . . . *Dallas*
- ALEXANDER, JAMES PATTERSON, chief justice, Supreme court of Texas *Austin*
- ATWELL, WILLIAM HAWLEY, United States district judge, Northern District of Texas *Dallas*
- AYNESWORTH, KENNETH HAZEN, former president, Texas Surgical Society; regent, University of Texas *Waco*
- BAKER, JAMES ADDISON, senior member, Baker, Botts, Andrews and Wharton *Houston*
- BAKER, KARLE WILSON (Mrs Thomas E.), past president, Texas Institute of Letters *Nacogdoches*
- BANTEL, EDWARD CHRISTIAN HENRY, professor of civil engineering, University of Texas *Austin*
- BARKER, EUGENE CAMPBELL, former president, Mississippi Valley Historical Association; Distinguished Professor of American History, University of Texas *Austin*
- BARRY, MRS. MAGGIE WILKINS, consulting specialist, extension service, Texas Agricultural and Mechanical College . . . *College Station*
- BATTLE, WILLIAM JAMES, former president, Texas Fine Arts Association; professor of Classical Languages, University of Texas . *Austin*
- BINKLEY, WILLIAM CAMPBELL, professor of history, Vanderbilt University *Nashville, Tenn.*
- BIZZELL, WILLIAM BENNETT, president, University of Oklahoma *Norman*
- BLACK, JAMES HARVEY, former president, American Society of Clinical Microscopists, and of the American Association for the Study of Allergy; professor of clinical medicine, Baylor University Medical School *Dallas*
- BLAFFER, ROBERT LEE, chairman of the board, Humble Oil & Refining Company *Houston*
- BODANSKY, MEYER, professor of pathological chemistry, the University of Texas Medical School *Galveston*

- BOLTON, HERBERT EUGENE, former president, American Historical Association; professor of American history, University of California *Berkeley*
- BORGLUM, GUTZON, sculptor, Mt. Rushmore Memorial Commission *Keystone, S. D.*
- BRIGGS, GEORGE WAVERLEY, vice president, First National Bank . *Dallas*
- BROGAN, ALBERT PERLEY, dean of the Graduate School, University of Texas *Austin*
- BURGES, RICHARD FENNER, former president, International Irrigation Congress *El Paso*
- BURGES, WILLIAM HENRY, former president, Texas Bar Association *El Paso*
- BURLESON, EMMA KYLE, chairman, Texas State Library and Historical Commission *Austin*
- CALDWELL, CLIFTON. M., banker *Abilene*
- CASTANEDA, CARLOS EDUARDO, historiographer, Texas Knights of Columbus Historical Commission; director of Latin-American libraries, University of Texas *Austin*
- CARY, EDWARD HENRY, former president, American Medical Association *Dallas*
- CHANDLER, ASA CRAWFORD, professor of biology, the Rice Institute *Houston*
- CLARK, JOSEPH LYNN, former president, Texas Commission on Interracial Co-operation; professor of history, Sam Houston State Teachers College *Huntsville*
- CLAYTON, WILLIAM L., member of Anderson, Clayton and Company, cotton factors *Houston*
- COHEN, HENRY, rabbi, Temple Beth-El *Galveston*
- CONNALLY, TOM, United States Senator . *Marlin and Washington*
- CONNER, A. B., director, Texas Agricultural Experiment Station, Agricultural and Mechanical College of Texas . . *College Station*
- CRANE, MARTIN McNULTY, former Attorney General of Texas . *Dallas*
- CUNNINGHAM, MRS. MINNIE FISHER, leader in the equal suffrage movement, an organizer of the League of Women Voters, *New Waverley*

- DEALEY, GEORGE BANNERMAN, chairman of the board, *The News*
 *Dallas*
- DEGOLYER, EVERETTE LEE, former president, American Association of
 Petroleum Geologists, and of the American Institute of Mining and
 Metallurgical Engineers; Distinguished Professor of Geology, Uni-
 versity of Texas *Austin and Dallas*
- DEWITT, EDGAR A. *Dallas*
- DEZAVALA, ADINA, first vice president, Daughters of the Republic of
 Texas *San Antonio*
- DIEHL, CHARLES SANFORD, journalist, former publisher, *San Antonio*
 Light *San Antonio*
- DOBIE, J. FRANK, secretary, Texas Folk-Lore Society; professor of
 English, University of Texas *Austin*
- DROUGHT, HENRY PATRICK, attorney, administrator for Texas, Works
 Progress Administration *San Antonio*
- ELLIS, A. CASWELL, director of Cleveland College, Western Reserve
 University; formerly director of extension, University of Texas
 *Cleveland, O.*
- ETTLINGER, HYMAN JOSEPH, professor of mathematics, the University
 of Texas *Austin*
- FARISH, WILLIAM STAMPS, former president, American Petroleum
 Institute; president, Standard Oil Company of New Jersey
 *Houston and New York*
- FARNSWORTH, MRS. O. M., formerly president, Daughters of the Re-
 public of Texas *San Antonio*
- FISHER, STERLING WESLEY, director of education, Columbia Broad-
 casting System *New York*
- FLY, JAMES LAWRENCE, chairman, Federal Communications Com-
 mission *Washington*
- FOIK, PAUL JOSEPH, chairman, Knights of Columbus Historical Com-
 mission of Texas; librarian, St. Edward's University . *Austin*
- GALLAGHER, JESSE NEWMAN, formerly associate justice, Tenth Court
 of Civil Appeals *Waco*
- GAMBRELL, HERBERT PICKENS, associate professor of history, Southern
 Methodist University *Dallas*

- GORMLEY, JOHN W., member of firm, Touchstone, Wight and Gormley *Dallas*
- GEISER, SAMUEL WOOD, professor of biology, Southern Methodist University *Dallas*
- GILCHRIST, GIBB, dean, School of Engineering, Agricultural and Mechanical College of Texas *College Station*
- GRAHAM, MALCOLM KINTNER *Graham*
- GRAVES, MARVIN LEE, former president, Texas Medical Association *Houston*
- GREEN, LEON, chairman, executive committee, American Institute of Criminal Law and Criminology; dean of the School of Law, Northwestern University *Chicago, Ill.*
- HACKETT, CHARLES WILSON, professor of Latin American history University of Texas *Austin*
- HALEY, J. EVETTS, formerly field secretary, Panhandle Plains Historical Society *Houston*
- HARPER, HENRY WINSTON, dean-emeritus of the Graduate School, University of Texas *Austin*
- HILL, GEORGE ALFRED, JR., president Houston Oil Company of Texas; president, San Jacinto Museum of History Association . *Houston*
- HILL, ROBERT THOMAS, former president, Texas Geographical Society *Dallas*
- HOBBY, WILLIAM PETTUS, former Governor of Texas; publisher, *The Post* *Houston*
- HOCKADAY, ELA, president, the Hockaday School *Dallas*
- HOGG, IMA 2940 Lazy Lane, *Houston*
- HOLDEN, WILLIAM CURRY, professor of history and anthropology, Texas Technological College *Lubbock*
- HOUSTON, ANDREW JACKSON, brigadier general, retired, Texas National Guard.
- HOWARD, WILLIAM EAGER, fellow, American College of Surgeons; donor of Howard Collection, Dallas Historical Society . *Dallas*
- HUBBARD, LOUIS HERMAN, president, Texas State College for Women *Denton*

- HULEN, JOHN AUGUSTUS, lieutenant-general, retired, Texas National Guard; vice president, Fort Worth and Denver Railway . *Ft. Worth*
- HUNTRESS, FRANK GRANGER, publisher, San Antonio Express
 *San Antonio*
- HUTCHESON, JOSEPH CHAPPELL, JR., United States circuit judge, Federal Building *Houston*
- IDESON, JULIA BEDFORD, librarian, Houston Public Library . *Houston*
- JAMES, HERMAN GERLACH, president, Ohio University; former director, Municipal Research and Reference, University of Texas
 *Athens, O.*
- JENNINGS, HERBERT SPENCER, former president, American Society of Zoölogists . The Johns Hopkins University, *Baltimore, Md.*
- JONES, CLIFFORD BARTLETT, president, Texas Technological College
 *Lubbock*
- JONES, HOWARD MUMFORD, professor of English, Harvard University
 *Cambridge, Mass.*
- JONES, JESSE HOLMAN, Director Reconstruction Finance Corporation, Administrator Federal Loan Agency . *Houston and Washington*
- JONES, MARVIN, member of Congress . . *Amarillo and Washington*
- KEMP, LOUIS WILTZ, former chairman, Advisory Board of Texas Historians, Texas Centennial Commission *Houston*
- KENNERLEY, THOMAS MARTIN, United States District Judge - *Houston*
- KING, FRANK H., Southwestern director, the Associated Press . *Dallas*
- KNOTT, JOHN FRANCIS, staff cartoonist, *The News* . . . *Dallas*
- KREY, LAURA LETTIE, novelist *Minneapolis, Minn.*
- KURTH, ERNEST L., former director, Texas Rural Communities; former member, Texas Planning Board *Lufkin*
- LAMAR, LUCIUS MIRABEAU, lawyer *Houston*
- LAW, FRANCIS MARION, former president, board of directors, Texas Agricultural and Mechanical College; president, First National Bank in Houston *Houston*
- LEE, UMPHREY, president, Southern Methodist University . *Dallas*
- LEFKOWITZ, DAVID, former president, Central Conference of American Rabbis; rabbi, Temple Emanu-El *Dallas*

- LIGHTFOOT, JEWELL PRESTON, former attorney general of Texas; member of firm, Lightfoot, Robertson, Saunders and Gano . *Ft. Worth*
- LOCKE, EUGENE PERRY, senior member, Locke, Locke, Stroud and Randolph *Dallas*
- LOMAX, JOHN AVERY, honorary curator of folk songs, The Library of Congress *Dallas*
- LOVETT, EDGAR ODELL, president, The Rice Institute . . . *Houston*
- MANN, GERALD C., former secretary of state; attorney general of Texas *Austin*
- MAVERICK, MAURY, former member of Congress; Mayor of San Antonio *San Antonio*
- MCCLENDON, JAMES WOOTEN, chief justice, Court of Civil Appeals for the 3rd Judicial District; former president, National Conference of Judicial Council Representatives *Austin*
- MCCORMICK, CHARLES TILFORD, professor of law, Northwestern University *Chicago, Ill.*
- MCGINNIS, JOHN HATHAWAY, editor, *the Southwest Review*; professor of English, Southern Methodist University . . . *Dallas*
- MCGREGOR, STUART MALCOLM, editor, *The Texas Almanac* . *Dallas*
- MCREYNOLDS, JOHN OLIVER, former president, Pan American Medical Association *Dallas*
- MILLS, BALLINGER, attorney *Galveston*
- MOLYNEAUX, PETER, editor, *The Texas Weekly*; trustee, Carnegie Endowment for International Peace *Dallas*
- MOORE, MAURICE THOMPSON, member of firm, Cravath, DeGersdorff, Swaine and Wood; attorney for Luce Publications . *New York*
- O'DONNELL, CHARLES FRANCIS, president, Southwestern Life Insurance Company *Dallas*
- O'DONOHUE, MSGR. JOSEPH GRUNDY, secretary, Texas Knights of Columbus Historical Commission; pastor, St. Patrick's Church. *Fort Worth*
- OWENS, JOHN ELZY, vice president, Republic National Bank . *Dallas*
- PIERCE, GEORGE WASHINGTON, chairman of Division of Physical Sciences, Harvard University *Cambridge, Mass.*

- POTTS, CHARLES SHIRLEY, dean of the School of Law, Southern Methodist University *Dallas*
- QUIN, CLINTON SIMON, Bishop of Texas *Houston*
- RAINEY, HOMER PRICE, president, the University of Texas; former director, American Youth Commission *Austin*
- RAMSDELL, CHARLES WILLIAM, former president, Mississippi Valley Historical Association, and of the Southern Historical Association; professor of American history, University of Texas *Austin*
- RANDALL, EDWARD, president of the Rosenberg Library, and of the Galveston County Medical Society *Galveston*
- RHEA, LAWRENCE JOSEPH, professor in the School of Medicine, McGill University *Montreal*
- RHEA, WILLIAM ALEXANDER, professor of law, Southern Methodist University *Dallas*
- RICHARDSON, JAMES OTTO, rear admiral, U. S. Navy . *Washington*
- RIPPY, JAMES FRED, professor of history, the University of Chicago. *Chicago*
- ROSSER, JOHN ELIJAH, former secretary, the University of Texas. *Dallas*
- SCHOFFELMAYER, VICTOR HUMBERT, agricultural editor, *The News*. *Dallas*
- SCOTT, ELMER, executive secretary, Dallas Civic Federation; former president, Texas Conference for Social Welfare *Dallas*
- SEARS, GEORGE DUBOSE, lawyer *Houston*
- SELLARDS, ELIAS HOWARD, director, Bureau of Economic Geology, the University of Texas *Austin*
- SHEPPARD, MORRIS, United States Senator . *Texarkana and Washington*
- SMITH, A. FRANK, bishop of Methodist Church *Houston*
- SMITH, THOMAS VERNOR, professor of philosophy, The University of Chicago; Member of Congress *Chicago and Washington*
- SMITHER, HARRIET WINGFIELD, archivist, Texas State Library . *Austin*
- STEPHENS, IRA KENDRICK, professor of philosophy, Southern Methodist University *Dallas*

- SPIES, JOHN W., dean of the School of Medicine, the University of Texas; former director, Tata Memorial Hospital, Bombay, India.
 *Galveston*
- SUMNERS, HATTON WILLIAM, Member of Congress .
 *Dallas and Washington*
- TIMMONS, BASCOM N., Washington correspondent; former president, National Press Club *Washington*
- TRANHAM, HENRY, professor of Latin and Greek, Baylor University
 *Waco*
- TRUETT, GEORGE WASHINGTON, former president, Baptist World Alliance; pastor, First Baptist Church *Dallas*
- VINSON, ROBERT ERNEST, former president, University of Texas, and of Western Reserve University *Lordsburg, N. M.*
- WATKIN, WILLIAM WARD, professor of architecture, The Rice Institute *Houston*
- WEBB, WALTER PRESCOTT, professor of history, University of Texas.
 *Austin*
- WEISER, HARRY BOWYER, professor of chemistry, and dean, The Rice Institute *Houston*
- WEST, ELIZABETH HOWARD, librarian, Texas Technological College.
 *Lubbock*
- WIESS, HARRY CAROTHERS, president, Humble Oil and Refining Company *Houston*
- WHARTON, CLARENCE RAY, member, Baker, Botts, Andrews, & Wharton *Houston*
- WOZENCRAFT, FRANK WILSON, former mayor of Dallas; general counsel, Radio Corporation of America *New York*
- WRATHER, WILLIAM EMERY, former president, American Society of Economic Geologists, and of the Texas State Historical Association.
 *Dallas*
- YOUNG, STARK, author *New York, N. Y.*

DECEASED MEMBERS

BENEDICT, HARRY YANDELL, formerly president, University of Texas (Austin) d. May 10, 1937.

CULLINAN, JOSEPH STEPHEN, formerly president, The Texas Company (Houston) d. March 11, 1937.

DEALEY, JAMES QUAYLE, formerly president, The American Sociological Society; formerly editor-in-chief of *The News* (Dallas) d. January 22, 1937.

DILLARD, FRANK CLIFFORD, formerly lawyer (Sherman) d. September 25, 1938.

HOUSE, EDWARD MANDELL (Houston and New York) d. March 28, 1938.

MARSH, FRANK BURR, professor of ancient history, University of Texas (Austin), d. May 31, 1940.

MONTGOMERY, JAMES T., formerly lawyer (Wichita Falls) d. May 19, 1939.

PENNYBACKER, MRS. PERCY V. (Austin) d. February 4, 1938.

PURYEAR, CHARLES, dean-emeritus of the Graduate School, Agricultural and Mechanical College, of Texas, d. June, 1940.

SANDEFER, JEFFERSON DAVIS, president, Hardin-Simmons University (Abilene), d. March 22, 1940.

SCOTT, ARTHUR CARROLL, president, Scott and White Hospital (Temple), d. October 27, 1940.

WHEELER, WILLIAM MORTON, formerly professor, Harvard University (Cambridge) d. April 20, 1937.

NECROLOGY

FRANK BURR MARSH*

FRANK BURR MARSH, Professor of Ancient History, came to the University of Texas in 1910, after having served as instructor in history at the University of Michigan for seven years. He had the degrees of A.B. and Ph.D. from the University of Michigan and was a graduate student at the University of Paris during 1902-1903. Between 1910 and 1926 he was promoted through all the academic ranks at the University of Texas from instructor to professor. He died May 31, 1940, a little past his sixtieth birthday, and was buried beside his parents at Big Rapids, Michigan.

He was an effective teacher and an original and industrious scholar. His reviews, his significant articles, and his substantial books gave him high rank as a scholar of international reputation. His penetrating insight and simple style make his books interesting and stimulating even to non-technical readers. His recognition at home is attested by his long service as Secretary of the Graduate Faculty and by his election to be one of the annual Research Professors of the Graduate Faculty.

Professor Marsh was a man of broad interest and information. He was objective in his convictions and defended them with an air of whimsical humor; though always ready for an animated argument, he was singularly free of emotional fervor in maintaining his views. With many of the habits of a recluse, he enjoyed social intercourse and was a comfortable friend and companion—gentle, genial, courteous, and considerate.

His principal writings were: *English Rule in Gascony*, 1199-1259, Pp. vii, 178. Ann Arbor, Michigan, 1912; *The Founding of the Roman Empire*, Pp. vii, 313, The University of Texas Press, 1922, revised edition published by the Oxford University Press, 1927; *The Reign of Tiberius*, Pp. vi, 335, Oxford Press, 1931; *A History of the Roman World from 146 B. C. to 30 B. C.*, Methuen and Company, 1935, reissued by the Macmillan Company, 1939; and in collaboration with Harry J. Leon, *Tacitus: Selections from His Works*, edited with introduction and notes, xii, 546, Prentice-Hall, Inc., 1936.

*By Professor E. C. Barker

ARTHUR CARROLL SCOTT*

July 12, 1865-October 27, 1940

ARTHUR CARROLL SCOTT was born near Gainesville, Texas, July 12, 1865, the son and third child of Rufus Franklin and Martha Helen Moran Scott, who came to Texas from Tennessee in 1858. The early life of Dr. Scott was spent on a farm and he grew up under the influences of that association and attended the usual country schools which, at that period in Texas, were of small educational value. Later, he attended the academy of Professor J. Z. Skeel at Gainesville for one year, thus finishing his education. There is no record of his scholarship or that he graduated from this academy. It was a school, the prototype of many other private schools of that period. It may be assumed that he had the usual studies and that he had a teacher of probably unusual ability who impressed the mind of young Scott with the fundamentals and rudiments of the basic values in education.

At seventeen years of age, he became interested in the study of medicine and left the high school to study in the office of Dr. A. H. Conson, after which he entered Bellvue Medical College, New York, and after a two-year study, he received his degree of Doctor of Medicine in 1886. As a result of a competitive examination, he served an internship of two years in the Western Pennsylvania Hospital at Pittsburgh. There young Scott came in contact and intimate association with a number of distinguished surgeons and leaders in the development of modern medicine. Immediately after the termination of this internship, he returned to Gainesville. One of the

first things which he did was to attend a meeting of the North Texas District Medical Association at McKinney which became a lifelong practice of not only attending medical meetings but taking part on the programs. He then located at Gainesville and entered the practice of medicine where he remained for four years. The progress of the young physician was very rapid and he demonstrated then a lifelong characteristic which was the ability to gain the friendship and approval of men in prominent positions, especially in the medical profession. He was appointed local surgeon for the Santa Fe Railroad and six months later became Chief Surgeon which required his removal to Temple where the hospital was located. This was 1892, when Dr. Scott was only 27 years of age, a position of supreme importance requiring not only surgical and medical ability but administrative talent of the highest order. This position he held until his death. Two years later, 1894, Dr. Scott appointed Dr. R. R. White, House Surgeon of the Santa Fe Hospital; in 1897, they became partners which relation continued until the death of Dr. White in 1917. In 1918 they established the Kings' Daughters' Hospital; in 1904, they withdrew from this institution and established the present Scott and White Hospital, an institution of national recognition and the largest and most noted private hospital in the Southwest.

During all of these years, Dr. Scott demonstrated unusual ability and capacity as an organizer and hospital administrator. Great advancement had been made in the organization and administration of hospitals during the period of 1890 onwards and every advance was recognized and adopted by Dr. Scott in the new hospital. This

brief article does not permit a study of the many qualifications of Dr. Scott as an administrator.

Much could be said of Dr. Scott's interest in medical society organizations. In 1893, he joined the Texas State Medical Association, was Councilor for many years, later President and always an active member and one of the most influential of the Association. In addition to his membership in many medical and surgical associations, he was President of the Southern Surgical Association, President of the Texas Association of Railway Surgeons, President of the Twelfth District Medical Society, and of the Bell County Medical Society.

The contributions of Dr. Scott to medical literature are many and in various fields; his mind wandered intelligently and widely over the advanced and progressive frontiers of medicine but especially in the divisions of surgery. What are today commonplaces of surgery were during Dr. Scott's early career problematical advances.

His interest in the diagnosis and treatment of malignant diseases, together with many distinct advances which he evolved, have had national, even international, recognition. His numerous publications on the subject of malignant disease, the result of his scientific researches, are recognized in every department of medical literature. As a citizen, Dr. Scott was no less valued as a leader in all departments of human welfare. One of the most beloved, the most progressive and most useful citizens has finished his labors.

*By Dr. K. H. Aynesworth

JEFFERSON DAVIS SANDEFER*

JEFFERSON DAVIS SANDEFER, President of Hardin-Simmons University, died March 22, 1940. He was born in abject poverty in Arkansas on March 13, 1868, in the midst of the turbulent period of Reconstruction. The sympathies of his parents in the war that had just closed were sufficiently indicated by the name they gave their son. They moved to Texas in his early youth and he grew to manhood under frontier conditions on a farm on the border line between Parker and Jack Counties. While opportunities for schooling in the community were of the poorest, his mother encouraged him to attend Parker Institute, at Whitt, some ten miles from his home—a poverty stricken Methodist "College", run by a great master, Professor Amos Bennett. He "kept back" in a shack near the edge of the little village, living mainly on corn-meal mush and milk from a cow that he had brought with him from his father's farm.

After his graduation in 1892, in a class of which he was the only member, he taught in the public schools for a number of years, and, during the summer months, studied in the University of Texas and in the University of Chicago. From the latter institution he received the degree of Bachelor of Philosophy in 1907. He became president of Simmons University (later known as Hardin-Simmons University) in 1909, where he served until his death thirty-one years later.

The well known saying that Augustus found Rome a city of stone and left it a city of marble, finds a parallel in his work for Hardin-Simmons University. He found it a small college almost without a physical plant; he

left it one of the leading denominational institutions of the Southwest, with a large and growing student body and an impressive plant. His fine physical presence and good voice, his broad human sympathies and his keen sense of humor, made him a favorite as a lecturer and public speaker, and won a host of friends for him and for his school.

We may conclude with a statement made in 1938 by a former student of his, now a member of Congress:

"I do not think it would be possible to exaggerate the influence that President Sandefer has had upon the lives of the young and old of West Texas for the past quarter of a century . . . He is an institution in himself . . . a natural leader of men and movements. I think he could have led just as successfully in other fields as he has led in the field of education."

*By Dean C. S. Potts

CHARLES PURYEAR*

CHARLES PURYEAR, Dean Emeritus of the Graduate School of the Agricultural and Mechanical College of Texas, died on July 11, 1940, at the age of eighty. He was born on October 21, 1860, at Boydton, Virginia. He was graduated with the M.A. degree from Richmond College in 1881. In 1885, he was awarded the degrees of Civil Engineering and Bachelor of Science by the University of Virginia, and, in 1914, the honorary degree of Doctor of Laws was conferred upon him by Daniel Baker College.

For several years Professor Puryear taught mathematics in Virginia, and in the University of Michigan. His connection with the Agricultural and Mechanical College of Texas began in 1889, when he was selected to be Associate Professor of Civil Engineering and Physics. A year later he was raised to the rank of Professor of Mathematics. In 1907 he was made Dean of the College, and in 1924, he became Dean of the Graduate School. This position he held until a paralytic stroke in 1930 ended an active career of forty-one years of faithful and efficient service to the College and the State. His remaining ten years were not wholly a burden to him for he sufficiently recovered from his illness to be able to attend to his own affairs and to have some small part in the life of the college community.

Professor Puryear was not without honors, though he was entirely too modest to make mention of them. He was a member of Phi Beta Kappa, of the American Association for the Advancement of Science, of the Society for the Promotion of Engineering Education, and

he had served as president of the Association of Texas Colleges. He was the author (with the late Dean T. U. Taylor, of the University of Texas) of the Elements of Plane and Spherical Trigonometry. He was a Virginia gentleman of the finest type, a learned scholar, an efficient teacher, and an able administrator.

*By Dean C. S. Potts