



FRESHMEN

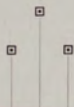
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Motto: "Big things have little beginnings"

Colors: Green and white





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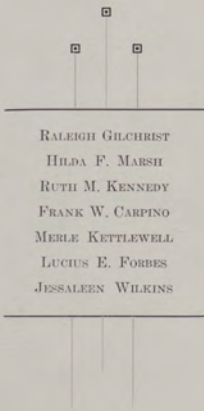
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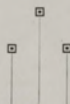
ELLSWORTH G. SMITH

NICHOLAS J. TAYLOR

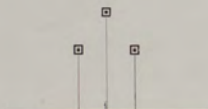
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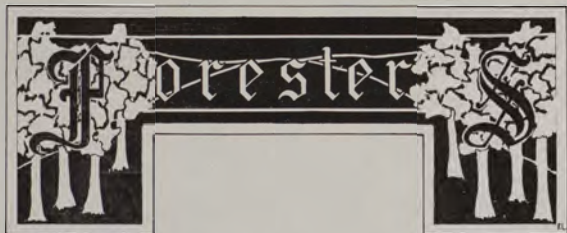




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C. F. MADDOX	Justice of the Peace
R. JUSTIN MILLER	Constable

ROLL OF STUDENTS AT THE MONTANA STATE LAW SCHOOL FOR THE YEAR 1911-1912

O. R. ANDERSON, Missouri State Normal School, '11; Law, '14.	F. R. MERRILL, Minnesota, '13; Law, '14
CARL E. CAMERON, MONTANA, '13; Law, '14.	A. W. O'ROURKE, Montana, '12; Law, '14.
EDDIE CORBIN, Montana, '06; Law, special.	LA RUE SMITH, Wisconsin, '13; Law, '14.
PAUL L. DORNBLASER, '14.	E. G. SMITH, Englewood High School, Chicago; Law, '14.
A. B. HOBLITT, Hamline University, St. Cloud Normal School, Minnesota, '09; Law, '13.	J. O. SAFFORD, Harvard University, '05; Law, '14.
E. P. KELLY, Dartmouth, '09; Law, '14.	B. R. COLE, Oberlin College, '02; Law, '13.
C. F. MADDOX, Bordentown Military Institute, '10; Law, '14.	R. JUSTIN MILLER, Stanford, '11; Law, '13.
M. A. MEAGHER, Gonzaga College, '11; Law, '15.	H. P. UNDERWOOD, Northwestern, '13; Law, '14.
	D. C. WARREN, Montana, '12.
	RAY WIEDMAN, Stanford, '13; Law, '14.



The Law Department



IN THE MORNING of the twenty-ninth day of February, 1912, the University community was startled by a most hilarious demonstration of student insubordination. The staid and moss-grown traditions of tranquil inoffensiveness, formerly peculiar to the rocky hillside environs of the populous city of Missoula, were rudely discredited, and the harmonious unanimity of the student body manifested on that day, revealed encouraging possibilities for the development of a clean, strong university fellowship. Incidentally, it was remarked that the students of the law school were at the head of the movement. It seemed a little strange to some, no doubt, that men, who in several instances had completed their collegiate work, should be indulging in such a frolic. It is safe to say that those men were even more surprised at the necessity of adopting such measures in order to develop such an atmosphere of college life about our University as to induce the people of the state to believe in it as a real institution of higher learning. If we are to have a school to which we can attract the students who rightfully belong here, we must in so far as possible, provide inducements of the same character as are found in the larger universities. This includes a strong school spirit and opportunity for an occasional outburst of real enthusiasm, as well as facilities for intellectual nourishment.

This is the spirit which has been manifested by the newly-established Law School ever since its initial appearance on the local boards, September 12, 1911, and it presages good for the University of Montana. The students, without exception, are boosters of the most approved type, and have identified themselves prominently with every branch of college activity. The faculty members are strong, conscientious men, and the facilities for legal study are far advanced.

The Law Department has reason to congratulate itself, above all other things, for the remarkably well-balanced faculty which has guided its destinies during its first year. At the head stands Judge John B. Clayberg. He is an old graduate of the Michigan Law School, who has practiced law in Montana for twenty-eight years. Being in close touch with mining liti-



gations in the Treasure State, he has become a recognized authority in that branch of law, and was chosen to write the section on Mining Law in "Cyc," the greatest American legal encyclopedia. He has, moreover, been a lecturer for several years at Ann Arbor, and occasionally at Columbia, on the subjects of mining law and water rights. Judge Clayberg is an honor to the State of Montana and the recognition which has been accorded him by his selection for the position of Honorary Dean, is a fitting tribute from the people of the state.

Henry W. Ballantine, Professor of Law, and Acting Dean, is a Harvard law man, who has engaged in the practice of law in San Francisco and who has been identified with the faculty of both the College of Jurisprudence of the University of California and the Hastings Law School of San Francisco. Mr. Ballantine has also been a frequent contributor to the law journals and other publications.

The third member of the force is Albert N. Whitlock, also graduate of Harvard, who comes to us after a short career as a practicing attorney in New York. Mr. Whitlock presents the rare combination of New England conservatism, Southern geniality and Western force, each predominating according to the mood and the subject under discussion. In law he is essentially a conservative, full of the theories of Gray and Ames, and jealous of any departure from Harvard methods.

Judge Clayberg is essentially a practical lawyer, having the advantage of a deep legal training, but above all things insisting that the student should become thoroughly acquainted with methods of court procedure, forms and rules of evidence and practice. Mr. Whitlock is a careful student and theoretician, while Professor Ballantine is a happy combination of the two, a thorough student and a resourceful practitioner. In his class-room work he has put into practical operation in connection with the case-book system, an auxiliary method, consisting in the working out of problem cases. This latter method familiarizes the student with actual legal research, and develops the individual resourcefulness of each far beyond the best that can be expected of the case-book system alone.

The result of this combination has been to afford the best possible opportunity for legal study, and to develop moot court work along the lines of actual court procedure as well as in the direction of brief-making and argument.

The added feature of small classes has given the students practically personal instruction, and has made it possible to cover the work of the various courses more thoroughly and more completely than is done in most famous law schools, where the progress of the classes is impeded by the large numbers in attendance, and the difficulty of properly controlling class discussions.

In equipment the Law School is singularly fortunate. The library, a collection of about three thousand, eight hundred volumes, is a fine working set of books. It is made up of the sets formerly owned by W. W. Dixon and Thomas C. Marshall, brought down to date, and supplemented by carefully considered additions in the way of later publications. The library



contains a complete set of the National Reporter system, the Federal and United States Cases, American Decisions, American Reports, American State Reports, several sets of the state reports, "Cyc," the American Digest, Lawyers' Reports Annotated—old and new series, Decisions of the Interior Department on Public Lands, together with several other sets and the best texts.

As to quarters, it is not so fortunate, the present space being already overtaxed and the next legislature should be thoroughly impressed with the necessity of the immediate erection of a new Law building. The library fails to hold the books at present on hand, and is both too small and too poorly lighted to provide an adequate place for studying. The single lecture room cannot possibly accommodate classes in subjects covering a three-year curriculum.

After all, of course, the history of the school will be written by its school life, by its resident workers, and its efficiency and practical worth by the work of its graduates. As yet we have our first alumnus to honor and to depend upon. But in the body of men who have come together for the first year, we can easily pick future Websters, Marshalls and even an occasional Blackstone. In the total of eighteen who registered for law work, are to be found representatives from eleven different states, only four of the number having been born in Montana. Harvard, Wisconsin, Oberlin, Dartmouth, Minnesota, Northwestern and Stanford are represented among the universities, and five men who have completed regular collegiate work leading to the A. B. degree, are taking their advanced law work here in contemplation of practicing in Montana.

Kelly and Dornblaser in football; Meagher and Wiedman in basketball; Kelly and Smith in baseball; Cameron, Kelly, Maddox, O'Rourke and Wiedman in track; Kelly in dramatics; Warren and Miller in debating; and Maddox in social events make up the representation of the law school in the various school activities.

Under the able management of L. R. Smith, the Law School on February 29, 1912, issued a special edition of *The Weekly Kaimin*, which received wide circulation throughout the state and excited favorable comment from many sources.

Aside from the moot court work, formerly referred to, a very beneficial feature of the work taken up this year by the lawyers is that of preparing headnotes of the various supreme court cases as decided, for publication. At first these were sent to the various papers throughout the state, but later it was decided to publish them in *The Weekly Kaimin*. This will be a regular feature of the weekly henceforth, and it is hoped that the lawyers of the state may in this way avail themselves of the decisions of the supreme court some weeks ahead of the time of their regular publication. The students by preparing these advance notes keep in touch with current litigation in the state, and with the class of cases handled in our courts.

The faculty have been so fortunate as to be able to persuade several leading members of the bar, as well as all the members of the supreme bench, to address the students on pertinent subjects. Those who have given their



time and effort for the benefit of the law students are: Hon. Theo. Brantly, Hon. Henry C. Smith, Hon. Wm. L. Holloway, all of the Supreme Court of the State of Montana, and Chas. H. Hall, F. H. Woody, Theo. Lentz, W. F. Wayne, John H. Tolan, Gilbert Heyfron, H. H. Parsons and Ronald Higgins, all of the Missoula bar. In this connection it is interesting to note that the law school is also sending out its talent for the benefit of the rest of the people of the state. Professor A. N. Whitlock has delivered extension lectures during the year to appreciative audiences at Red Lodge, Billings and Kalispell. He speaks on current phases of the law from a popular view-point, and always commands the complete interest and attention of his hearers.

On the whole, the year has been a highly successful one in the Law School. Only the first two years' subjects have been covered, but beginning with next year the whole three years' schedule will be taught. Judge Clayberg has given instruction in Mining Law, Pleading and Practice, Montana Practice and Irrigation Law; Professor Ballantine's subjects have been Torts, Contracts, Equity, Sales, Carriers; Professor Whitlock has handled Crimes, Property I.—Agency, Trusts, Negotiable Instruments, Corporations, Brief-Making; Property II. in conjunction with Professor Ballantine, and all of the faculty has assisted in the practice court work.

The new year will start with a strong group of old men, already proud of the standing which the new school has assumed, and anxious to initiate and perpetuate such customs as will best forward the interests of the Law School and of the University. We will await with interest and expect with pleasure the new group who will become a part of us next fall.

—R. JUSTIN MILLER.

