

## YALE ALUMNI WEEKLY

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NEW HAVEN, CONN., JAN. 12, 1899.

All material for the WEEKLY, which is not of the character of late news, should be received not later than Friday morning, for the issue of the following week. Articles of a general nature can always be prepared so as to be received by that time, and alumni notes should all be in the office at that time.

In the case of record of late news, it is possible to handle a limited amount of very important matter as late as Monday afternoon, but its use can not be guaranteed at that time.

## THE TALK OF LEGISLATIVE TAX ACTION.

Since the complete defeat at law of the attempt to increase Yale's tax list about 800%, there has been some newspaper talk of an appeal to the Legislature for a change of charter which should allow the assessors to accomplish what is now impossible.

Of the legal possibilities of such a step, we have not made a study, because the move itself seems the most highly improbable thing. We cannot believe the State of Connecticut is going out of its way to deliberately attack Yale University, when the officials of New Haven have discovered at considerable expense that all the law is against them. With taxation laws and principles in their most discreditably confused state, it would most certainly be a remarkable thing, that the State should begin an alleged reform by a direct attack on the rights and resources of its most famous institution. The rest of the State, of course, had nothing to do but stand by and watch the contest when certain New Haven officials tried this means of getting a few thousand dollars more of revenue. If New Haven should ask the rest of the State to become a party to any such proceeding,—well, we doubt that anybody would venture the undertaking in the name of the city.

## THE PRESIDENT'S CONSTANT GIVING.

While we have not yet been ready to review in detail the administration which will close next June, we cannot allow to pass, without a word, the statement of the Corporation in the resolutions accepting the President's resignation. The array of figures does

not so much impress us. The material expansion of the University is a patent fact and constantly offers, to the most casual observer, its testimony of the progressive spirit at the head of the institution. Even the vastly more important increase in the educational staff is quite apparent, although not as conspicuous as the other features.

But the point in which we are especially interested is that item of personal generosity, which has been kept quiet. While the stream has been flowing on, the Treasurer's reports have said that "a friend" has given \$100 or \$1,000 or \$5,000 to carry some department through the year, or to apply to some very necessary fund. No one has read the Treasurer's report without noticing the constant flow of small benefactions, generally nameless, by which the University has been carried along over rough places. Although it was common knowledge that the President's purse was constantly open, it was not known that he spent so much. It is an indication of the kind of spirit by which Yale has been made and carried forward. The loyalty of her alumni is proverbial, and again and again the loyalty of her instructors and officers has been demonstrated. This is one of the best illustrations of it.

But even in this list is not included a very large total of generousities, in behalf of Yale education, which have been strictly personal in their nature, and by which many individuals have been placed under personal obligations of the strongest kind, to the head of the University, who has taken time to consider their individual cases and has liberally met their needs.

## A TIME TO BE GLAD AND TO BE SERIOUS.

It is a time for joy and a time for reflection. Yale has won her great tax suit. The Supreme Court of Errors of the State of Connecticut has "advised" the Superior Court to order the Board of Relief to strike from the list all items added by the assessors, with the exception of a single residence of one of the Faculty and possibly one or two other insignificant items that would come within the same general description. The main contentions are splendidly and without exception maintained. The attempt to place Yale on the tax list of New Haven, at a figure which would begin at about half a million and which would undoubtedly go up quite rapidly from that point, is declared to be inconsistent with the letter and spirit of the law of the State of Connecticut as expressed in statute and charter, and as defined by invariable construction from the earliest point down to the present day.

Thus the hole is closed before it is opened. The University will not be obliged to spend the income of about \$200,000 annually in paying taxes. For this fact, which is established by the unequivocal and unanimous decision of the Justices of the Supreme Court, Yale is as she should be, in good spirits. Indeed, it is a time for joy.

It is even more the time for reflection. Next to the decision itself, on the main points of law involved, the Supreme Court, speaking through Judge Hammersley, made no deliverance nearly so important as that touching the collegiate policy of the renting of rooms. The decision is printed in full elsewhere in this issue, but we beg leave to reprint here these passages to which we refer:

"The argument urged by the defendant (the Board of Assessors of New Haven) in support of its claim that the dormitories assessed are practically

used for the purpose of trade, is substantially this: The College is intended primarily for scholars who are poor and the great majority of foundations express this purpose more or less clearly; no one shall be prevented by limitation of birth or means from the full development of his capacities for the service of the State; an essential feature of the College is equality; no special privileges or honors can be secured except through personal worth. When, therefore, in the apportionment, the students are practically divided, on the right hand and left, according to the marks of wealth and, as the finding shows, the poor student is relegated to the unsightly discomfort represented by seventy-five cents a week and the rich student promoted to the comparative luxury represented by ten dollars a week; a rule of apportionment is adopted which violates the essential conditions of college life and the buildings or portions of buildings appropriated to the rich student cease to be College buildings, because the poor student is excluded from their occupation."

On this contention, which, in its statement of specific facts, as the Court observes, is supported by the finding of the Committee of the Superior Court, the Supreme Court, through Judge Hammersley, makes the following observation:

"There would be force in this argument, so far as it is supported by facts, if addressed to the College authorities. We do not care to minimize its force for that purpose. It goes without saying that the most costly gifts cannot compensate for any loss of that spirit of independent equality which is the life of the University and which has heretofore especially characterized this plaintiff."

The natural caution with which the Court uses its facts does not detract from the significance of the deliverance, which is, in a measure, aside from the main argument, and which need not have been introduced with such force. It seemed to the Court an occasion which, in its quasi-advisory capacity, it could not allow to go by. In other words, the Supreme Court of Connecticut felt called upon to give Yale a warning as to their internal policy.

We are bound to admit that the warning was in order. Re-enforced by this high authority, we cannot but reiterate, in plainer language than we may have yet used, that the general policy of the Corporation, in the treatment of its dormitories, has been inconsistent with the spirit of the place, with the common if not the unanimous desire of those who have furnished these dormitories, and, though clearly within the law, as the Supreme Court has said, is without and against the higher law of this place. It

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has threatened the best asset of Yale, and, proceeding on a purely commercial basis, has finally reached the point where it has also threatened most seriously those visible and material assets of the University which it was supposed to foster. If Yale had gone so far in this direction as to force the Supreme Court to say that its dormitories were handled purely on commercial lines and for purposes of trade, there would have been no disagreement over the proposition that the Corporation had taken a very expensive way of increasing its revenue.

We are duly thankful that this point had not been reached. But, it is necessary to have such a point reached, in order to arouse the Corporation of Yale to the point of realizing the danger into which it was bringing the best thing there is in Yale, the democratic spirit of the place, then the price would have been cheap. We hope the warning is at last clear enough. The community of Yale has so far, in its own life, held up its standards in the face of a material policy of the Corporation. It still places things immaterial above things material,—character above dollars and men above buildings. How long it shall seem fit to test the endurance of this spirit, by an application of the opposite spirit in the material environment of Yale, we do not know.

When the Corporation dares to say that Yale democracy shall not only be

[Continued on 135th page.]

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