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1988. *Transactions of the Nebraska Academy of Sciences,* XVI: 185–190.

ROSCOE POUND AND THE *SEMINARIUM BOTANICUM* AT THE UNIVERSITY OF NEBRASKA, 1888–1889

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Roscoe Pound (1870–1964) became one of America's leading legal scholars, but few recall his rigorous training in botany. Those who do most often cite his 1898 joint doctoral thesis *(The Phytogeography of Nebraska,* co-authored with Frederic Clements), but fail to note his first graduate work of a decade earlier. Roscoe Pound's master's thesis, "The *Imperfect* Fungi of Nebraska," was researched and written during the 1888–1889 academic year. Although the thesis itself is now lost, its content and the circumstances under which it was written can be established by using archival materials. Pound's role in leading the student botanical club (the *Seminarium Botanicum,* known popularly as the *Sem. Bot.)* during the 1888–1889 academic year provides key insights into his organizational and scientific abilities. The activities and accomplishments of the *Sem. Bot.* are discussed. This paper is based on archival materials at the following locations: The Harvard Law School Library, The Nebraska State Historical Society, The University of Iowa, The University of Nebraska–Lincoln, and the University of Wyoming.

† † †

INTRODUCTION: BOTANICAL SCIENTIST AND LEGAL SCHOLAR

Roscoe Pound (1870–1964) is known primarily as one of America's leading legal scholars. There is just cause for this reputation (Wigdor, 1974: 161–232). He was the founder of the American school of sociological jurisprudence (Hertzler, 1979: 47–48; Hill, forthcoming) and authored more than 250 major articles and books on jurisprudence before he retired from the deanship of the Harvard University Law School (for a detailed bibliography, see Setaro, 1942). Pound was also a botanical scientist possessed of considerable skill and insight. His student botanical career unfolded at the University of Nebraska under the guidance of Professor Charles E. Bessey. While botany eventually took second place to law in Pound's activities, he accomplished more as a young botanist than many achieve in a lifetime of scientific endeavor.

The keystone of Pound's botanical work was his joint authorship with Frederic Clements of *The Phytogeography of Nebraska* in 1898, with a second edition in 1900. Both Pound and Clements earned doctorates on the basis of this work (Pound's Ph.D. was bestowed in 1897 and Clements' the following year). Clements later described the working relationship during the writing of this joint project:

> The two friends alternated in the major tasks of dictating and transcribing, pausing now and then to discuss a point, seek new inspiration, or to relax by whistling in unison snatches from favorite grand operas. At such times, Dr. Bessey would occasionally look in, to say that he knew the work was going well when the strains floated down the corridor. *(1)*

The result of this teamwork produced a landmark in American botany.

Concerning the *Phytogeography,* Raymond Pool, professor and chair of the University of Nebraska Department of Botany in 1946, reflected on Pound's mature botanical work:

> This was the first noteworthy and truly scientific treatise on the subject of plant geography in America and at once it attracted the attention of botanists throughout the world — it is still frequently noted in bibliographies on the subject in many countries. It was a *masterpiece* and it served to establish Nebraska as an internationally known leader in that field, a reputation which the department holds to this day. *(2)*

The source of such recognition was not confined to Nebraska professors of botany, however.

The honors and scientific progress flowing from the *Phytogeography* were substantial. In June, 1898, Pound was elected to membership in Sigma Xi, the Scientific Research Society *(3)*. The following year, in 1899, *The Botanical Gazette* reported:

> The international scientific medal of the *Académie Internationale de Géographie Botanique* has been conferred upon Dr. Roscoe Pound of Lincoln, Nebraska, for his phytogeographical researches. (Quoted in Setaro, 1942: 126)

At this juncture, however, Pound more and more turned his attention and energy to the law and sociological jurisprudence, becoming dean of the Law School at the University of Nebraska in 1903. Clements continued in botany and became a major theorist in plant ecology (Tobey, 1981: 76–109).

Pound's simultaneous interest in both the law and botany is not so surprising as it might first appear. As an undergraduate, Pound was fascinated by linguistic as well as botanical classification, and he developed a special fondness for problems of nomenclature, legal as well as botanical. Pound's mother was formally trained in botany and encouraged her son's interests. Pound's father was a frontier lawyer and welcomed his son's participation in his legal practice. The competition between law and botany for Pound's time and loyalty was grounded in his deep, compatible respect for reason and science (Wigdor, 1974: 49–67).

When Pound earned his bachelor's degree in 1888 from the University of Nebraska, he leaned heavily toward botany. The following academic year, 1888–1889, Pound devoted himself almost entirely to botany and earned a master's degree. This concentrated year of botanical study is the focus of this paper, but it is helpful to note the general outlines of subsequent developments. Following his M.A., Pound planned to attend Harvard University and study under Asa Gray, Charles Bessey's former mentor. As fate would have it, Gray died the year before Pound left for Cambridge. Pound changed his objectives accordingly, deciding to emphasize law instead.

He found the Harvard Law School much to his liking and concentrated his efforts on an intense year of legal studies. He wrote to his father:

> It is very difficult to get a good mark here — but the easiest thing in the world to get a passing one. It is easy enough to get a general idea about law from the lectures — but if one wants to know anything he must work very hard; and I must say that when a man has gone through the course here and worked up everything he is told to he ought to be well prepared on almost every branch of law. I never could have managed to learn at home in two years what I have here already. *(4)*

Having saved enough money to pay for only one year at Harvard, Pound returned to Lincoln where he entered his father's law firm as an apprentice.

While learning the law first hand in Nebraska, Pound also worked part-time on his doctoral studies in botany. Pound was no doubt happy to continue under Bessey, as his estimate of Harvard's botany program was not altogether favorable. He had written to Bessey the previous year from Cambridge:

> There is a great deal of Pharisee about the botanists here; and even Mr. Seymour who is from the west and ought to know better is inclined to pooh pooh the botanical knowledge of the rest of the world. They certainly do very fine botanical work here; being especially inclined to ape the English botanists. They talk very funnily about German botanists.... But it is the few that do all this. The great majority of the students who go through here don't get the equivalent of what in my time was "Soph Botany" unless they take special work. Undergraduates do a very small part of the botanical work here. In that respect at least the U. of N. need not be ashamed of its botanical work. *(5)*

Indeed, Nebraska would soon become very proud of Pound's work, work that contributed to the inaugural issues of the Botanical Seminar's (1892, 1893, 1894, 1896, 1901) *Botanical Survey of Nebraska,* and culminated in the highly-regarded *Phytogeography.*

THE *SEMINARIUM BOTANICUM,* 1888–1889

Perhaps because of the foundational significance of the *Phytogeography* for American plant ecology, Pound's earlier and more single-minded period of botanical study has been overshadowed and is thus little reported. The remainder of this paper explicates the character of that formative period. Pound's master's thesis was researched and written during the 1888–89 academic year *(6)*. The thesis and the circumstances of its production demonstrate Pound's ability *(a)* to pursue independent research, *(b)* to organize and work with fellow students in a productive circle of supporting colleagues, and *(c)* to tackle a topic that challenged the wisdom of an established practice in botanical classification and nomenclature.

Charles E. Bessey, professor and chair of the Botany Department, was acting chancellor of the University of Nebraska during the year and was absent "a larger portion of the time" from the activities of the botany students *(7)*. To compensate for his absence, the student botanical club stepped up its activities *(8)*. This student club was called the *Seminarium Botanicum* (also known by its English name: "the Botanical Seminar," the club was designated popularly as "the *Sem. Bot.*"). Pound organized this student group during the final two years of his undergraduate work, 1886–1888. He was elected the leader of the *Sem. Bot.* for the year 1888–1889 when the club took the step of formal organization. The leader was called the "Lord Warden" because he possessed a set of keys to the laboratory. Pound also held his first academic appointment during this year, an assistantship in the Botanical Laboratory *(9)*.

Under Pound's leadership, the seven resident members (or "Sems.") of the *Sem. Bot.* established the following plan of work:

> Regular convocations were held this year in the Herbarium with closed doors each Thursday at five P.M. Special convocations were held frequently. The plan of work was: The M.R. kept a list in the following order; A.F. Woods *Sem.*, Roscoe Pound *Sem.*, T.H. Marsland *Sem.*, J.G. Smith *Sem.*, L. H. Stoughton *Sem.*, H.J. Webber *Sem.*, T.A. Williams *Sem.* Each *Sem.* announced the subject upon which he intended to write six weeks in advance, and at each convocation the M.R. reminded the *Sems.* of the subjects announced for the succeeding six weeks. Each *Sem.* read his paper at the convocation designated, occupying about one hour, after which a general discussion was held. But one paper was read at each meeting, and papers were read in the order indicated by the list kept by the M.R. *(10)*

"M.R." (Master of the Rolls) was the group's playful designation for the club secretary. Originally all undergraduates when the group first came together, the *Sem. Bot.* now comprised a mixture of graduate and advanced undergraduate students. Smith and Pound pursued graduate studies. Webber and Williams were seniors who, as special students in botany, wrote undergraduate theses for the bachelor's degree. Woods, Marsland, and Stoughton were junior students in botany *(11)*.

After its formation by the original seven students, joining the *Sem. Bot.* involved elaborate initiation rituals and the passing of written and oral examinations administered by fellow students who were already members. Frederic Clements, for example, was inducted in 1892 *(12)*. Among the oral examination questions put to Clements by Pound was the following: "Discuss the theories as to the variations or constancy of species before Darwin, and their relation to the doctrine of evolution." *(13)*. By such careful screening, the members of the *Sem. Bot.* maintained the intellectual integrity of their club.

The closed-door sessions during 1888–1889 were models of vigorous scholarly debate. The group was guided by the principle that "full, free and thorough discussion" should characterize their meetings and symposia *(14)*. According to one account, "Each in turn read a paper and was cross-examined and torn to pieces by the others." *(15)*. The six-week advance notice for the reading of each paper not only allowed the presenter sufficient time for preparation, it "enabled the others to read up and to make him give a good account of himself when his turn came." *(16)*. In sum, this was a year of solid academic accomplishment achieved by five undergraduates and two first-year graduate students working together without close professorial supervision.

Pound's formal contributions to the *Sem. Bot.* were papers on mycology, specifically: "The Extent and Position of the Slime Moulds," "The Yeast Plants," "History of the Classification of Fungi," and "The Origin and Relationships of the Carpophytic Fungi" *(17)*. The other students presented on a variety of topics and a number of papers (especially those by T.A. Williams, who studied lichens), were on topics related to Pound's. In all, twenty-two formal papers were prepared, and Williams' paper on the "algo-lichen hypothesis" was afterwards published *(18)*.

T.A. Williams' (1889) piece was the lead article in the January issue of *American Naturalist*. Whereas Williams' paper was specifically noted in the Record of the *Sem. Bot.*, Pound's publications were not. Compiling the historical record of the *Sem. Bot.* was a task assigned to Pound in 1892. Thus, the existing record of at least the first six years of the *Sem. Bot.* (1886–1892) is a recasting of notes, programs, memory, and other materials in journal form. The handwriting in the journal almost certainly belongs to Pound. Perhaps an uncharacteristic attack of modesty accounts for Pound's omitting mention of his own research notes published in the *American Naturalist*.

These articles and notes (Pound, 1889a, 1889b, 1889c, 1889d, 1889e, 1889f) illustrate Pound's clear interest in the fungi and the linguistic intricacies of taxonomy and botanical nomenclature. Four members of the 1888–1889 *Sem. Bot.*—Smith, Webber, Williams, and Pound—contributed several additional articles, reviews, and research notes to the *American Naturalist* in subsequent years. This high level of productive publication by young scholars was no doubt encouraged and fostered by Professor Bessey, who was at that time botanical editor of the *American Naturalist* and could use that forum to place his students' work before the larger scientific community.

In addition to formal paper sessions, the *Sem. Bot.* members engaged in "special convocations," "forays," "rushes," and high jinks of a more playful character *(19)*, although these too could be marked by studious intent and serious discussion. For example:

> On April 25th [1889] the first annual Foray was held, the Sems walking to Saltillo and back [a distance of several miles]. A convocation was held at Saltillo. L.H. Stroughton *Sem.* read a paper, T.A. Williams *Sem.* discussed the Lichens and H.J. Webber *Sem.* and Roscoe Pound *Sem.* the Fungi collected. *(20)*

An example of more frivolous doings is provided by A.F. Woods who, during the years 1886–1889, worked closely with Pound *(21)*. He recalled:

> Our discussions outside the seminar ranged over a wide field including prohibition. About that time the great question was whether we should have legal prohibition or control through high taxation. We were all agreed on the latter except H.J. Webber who was a strong and vociferous advocate of prohibition by law. One afternoon Webber brought in a fine large watermelon, put it in the sink and let a stream of water run over it to cool it. He would not tell us what he was going to do with it. He said that it would take an hour or so to cool. He had to leave the laboratory for about an hour. Pound came in and spotted the melon, then left suddenly and returned in about 10 minutes. He had secured a bottle of Claret and he and I injected as much of it as we could into the melon, then waited for Webber to return. It was not long — and he invited Dr, Bessey and Pound and myself to help him eat the melon. It was *very juicy*. Webber smacked it down with great avidity. "By gum" he said, "We must save these seeds, every one of them, that is the best melon I ever ate." We had to exhibit the Claret bottle to convince Webber that wine had something to do with the quality of his melon. But he still voted the prohibition ticket. *(22)*

During the research and writing of his M.A. thesis, Pound was surrounded by a small group of energetic, fun-loving, and mutually supportive scholar colleagues who regularly discussed botanical ideas among themselves. Pound, as *Sem. Bot.* historian, reflected that this "was the most prosperous year of the *Sem. Bot.* The greatest enthusiasm was manifested by all."*(23)*.

ROSCOE POUND'S MASTER'S THESIS

The thesis that emerged from this scholarly and collegial association is now lost. There are a number of reasons why it cannot be found. Procedures governing graduate examinations and course work, the preparation of theses, and the granting of advanced degrees were not yet firmly fixed as they are today at the University of Nebraska. There was no provision for depositing master's theses in the University library. Graduate training was not recorded on University transcripts during this era. It is probable that Pound's thesis manuscript was not, in fact, labeled specifically as a thesis. In response to an inquiry from Bessey in 1908, nearly two decades after the thesis was written, Pound concluded, "The MS you found is undoubtedly my thesis for the Master's Degree," a reference suggesting that Bessey did not recognize it as such or at least wanted confirmation *(24)*. The ultimate fate of the thesis is unknown, although Pound suggested that Bessey could loan it to someone who might make use of it in writing a monograph on the *Imperfect* flora in Nebraska *(25)*.

The thesis was titled: "The *Imperfect* Fungi of Nebraska" *(26)*. The content and intellectual thrust of the work is revealed in Pound's subsequent 1908 reflection on his early research:

> The ideas of classification in it are possibly too radical. I wanted to arrange the *Imperfect* so that there would be no such group, but the several form genera should be relegated to appendices to the perfect groups with which they are connected. This was no doubt too ambitious. *(27)*

Pound attempted nothing less than to re-order standard practice in botanical nomenclature and classification. The audacious character of Pound's early thesis project is revealed in part by noting that the general field of taxonomic problems he addressed was still sufficient fodder for an international taxonomic conference on the *Imperfect* fungi eighty years later (Kendrick, 1971). Despite Pound's latter-day reflexive observation that his work was "too radical," Bessey must have seen sufficient merit in it because he recommended Pound for the master's degree. Pound apparently received notice of the recommendation and thanked Bessey for it while Pound was in Cambridge during his first semester of law study at Harvard in the autumn of 1889 *(28)*. The degree is listed as officially awarded in 1889 *(29)*.

EPILOGUE

Pound's early graduate work demonstrated his professional scientific energy and leadership. Working without Professor Bessey's close supervision, Pound led his fellow students in a productive and exciting year-long unofficial seminar during the 1888–1889 academic year. Here, Pound laid the foundation for a lifetime pattern of independent thought and research coupled with and enhanced by organizational skills of great magnitude. These he put to good use in making his subsequent and extraordinary contributions to the foundations of ecological plant geography, the sociology of law, and American jurisprudence.

The *Seminarium Botanicum* drew its strength from the daily, face-to-face interaction of young scientists who cared deeply about their studies. By 1908, Pound had moved from Nebraska and was teaching law at Northwestern University. Yet, he took time during a visit to Lincoln to personally recite the lore of the *Sem. Bot.* to a new generation of scholars. Following this visit, Bessey wrote to Pound:

> I have been feeling good ever since you were here over that address which you gave to the Botanical Seminar last week. It did us a world of good and I have heard many pleasant remarks about it from the young people who now constitute the Seminar. It does the young people good to hear from those who while not yet old were here many years ago. When you talked of things that occurred twenty years ago, to many of these that period of time is about as far back as the Revolutionary War or perhaps the Crusades.... It was very thoughtful of you to tell so many of the things that occurred in the early days. *(30)*

Pound's (1909) last contribution to the *Sem. Bot.* was a pamphlet on historical landmarks in botany. Paradoxically, Pound's student leadership and legacy receded into history at about the same time, even though the Department of Botany at Nebraska remained a leading center of ecological research for years to come (Tobey, 1981: 9–23). Without Pound's seemingly boundless energy, enthusiasm, and creativity, the student botany club continued, but never again matched the outpouring of independent scientific accomplishment that took root during 1888–1889. The extraordinary, productive era of student-organized botanical research at Nebraska began to fade after April 22, 1899, the date of Pound's last mention in the handwritten records of the *Seminarium Botanicum*.

ACKNOWLEDGMENTS

For their help and cooperation, special thanks are due the archivists and staff at the following archival repositories: The Harvard Law School Library, The Nebraska State Historical Society, The University of Iowa, The University of Nebraska, and The University of Wyoming. For collegial support, the author is indebted to David Wigdor, Allen Roberts, and to the members of the Nebraska Sociological History Project: Michael Ball, Mary Jo Deegan, Bruce Keith, and Agnes Riedmann. Pat and Scott Wendt and Paul Kern gave me good reason to believe that Nebraskans would find interest in the story of Pound's early botanical work.

NOTES

1. Clements to Sayre, January 17, 1945, Frederic Clements Collection, Box 125, University of Wyoming, Laramie.

2. Pool to Sayre, July 13, 1946, Paul Sayre Collection, University of Iowa Archives, Iowa City.

3. Records of the *Sem. Bot.*, p. 75, Department of Botany, Records of Botanical Seminar, 1886–1930, Box 1, University of Nebraska Archives, Lincoln. Bessey was a charter member of the Nebraska chapter of Sigma Xi, organized in 1897 (Ward and Ellery, 1936: 221). Clements was inducted in 1901 (Ward and Ellery, 1936: 227). Pound's initiation is officially recorded in Ward and Ellery (1936: 236).

4. Pound to his father, December 22 [1889], Nathan Roscoe Pound Collection, Box 1, Folder 1, Nebraska State Historical Society, Lincoln.

5. Pound to Bessey, Nov. 10 [1889], Charles E. Bessey Papers, Reel 24, University of Nebraska Archives, Lincoln.

6. Records of the *Sem. Bot., op. cit.*, p. 5.

7. *Ibid.*

8. *Ibid.*

9. *Ibid.*

10. *Ibid.*

11. *Ibid.*

12. *Ibid.*, pp. 16–18.

13. Department of Botany. Records of the Botanical Seminar, 1886–1936, Box 1, Examinations of Candidates, University of Nebraska Archives, Lincoln.

14. *The Book of the Sem. Bot.* p. 5, Nathan Roscoe Pound Collection, Box 4, Clippings, Nebraska State Historical Society, Lincoln. *The Book of the Sem. Bot.* is a twenty-nine page pamphlet outlining the history, principles, initiation rituals, and traditions of the *Sem. Bot.* No author, place, or date of publication is given. From references within the pamplet, it must have been written sometime after 1906. What appears to be a draft for *The Book of the Sem. Bot.* in Pound's handwriting is found in the archives of the Harvard Law School Library, Cambridge, Mass. (Roscoe Pound Papers, Rheingold addenda, Box 253, Folder 5).

15. *The Book of the Sem. Bot., op. cit.*, p. 2.

16. *Ibid.*

17. Records of the *Sem. Bot., op. cit.*, p. 6.

18. *Ibid.*, pp. 6–7.

19. *Ibid.*, pp. 5–8.

20. *Ibid.*, p. 7.

21. Woods to Sayre, November 15, 1944, Paul Sayre Collection, University of Iowa Archives, Iowa City.

22. *Ibid.*

23. Records of the *Sem. Bot., op. cit.*, p. 7.

Notes--*continued*----

Notes--*continued*----

24. Pound to Bessey, September 14, 1908, Charles E. Bessey Papers, Reel 21, University of Nebraska Archives, Lincoln.

25. *Ibid*.

26. Records of the *Sem. Bot., op. cit.*, p. 5.

27. Pound to Bessey, September 14, 1908, Bessey Papers, Reel 21, University of Nebraska Archives, Lincoln.

28. Pound to Bessey, November 10 [1889], Bessey Papers, Reel 24, University of Nebraska Archives, Lincoln.

29. Records of the *Sem. Bot., op. cit.*, p. 9. Nathan Roscoe Pound, academic transcript, University of Nebraska, University of Nebraska Archives, Lincoln.

30. Bessey to Pound, December 3, 1908, Charles E. Bessey Papers, Reel 21, University of Nebraska Archives, Lincoln.

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