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J. L. Tellkamp: German Legal Scientist¹ in the U.S. (1838-47) in an Age of Reform

In October 1841 and January 1842 J. Louis Tellkamp, then a professor in Union College, published in *The American Jurist and Law Magazine* a remarkable two-part article: “On Codifying or the Systematizing of the Law.”² It was one of the first analyses of systematizing law to appear in the United States. It remains one of the best. It was among the first proposals anywhere for establishing a standing body to be responsible for quality of legislation. Flaws in systematizing and controlling the quality of laws account for much of the dysfunctionality of contemporary American law.³ Here—already in 1841/1842—is a diagnosis and prescription for what ails the American legal system today. It’s not too late to listen to Tellkamp.

When I first read Tellkamp’s article I did so as a student of contemporary legal methods. I am a professor of law, not a professor of history. I wasn’t thinking about the author’s origin, but about what the author had to say and about what publication of his article by *The American Jurist*, then the leading American law journal and one of the most thoughtful American law journals ever, suggests about American law. Publication by *The American Jurist* counsels against accepting the myth of near total common law dominance of American law.⁴ When I learned of Tellkamp’s German origin, I thought a presentation about him might interest Society members including those who have no particular interest in law. Hence the unassuming title: “J. L. Tellkamp: Transnational Jurist.” Writing the presentation up, I thought, should be a snap: “College Teacher Calls for Codes.”

Only it wasn’t.

Tellkamp was more than a college teacher who wrote an interesting article on codification. He was a German legal scientist. He sided with



Tellkamp in 1848 as delegate to Frankfurt National Assembly by Valentin Schertle.

the Göttingen Seven against English tyranny in Hannover and, as a result, left for America. He had the support of Alexander von Humboldt in coming to America and from the illustrious Supreme Court Justice Joseph Story and literary icon Henry Wordsworth Longfellow in finding a place. Here he got to know an earlier generation of American codifiers and may have inspired the leader of the later one, David Dudley Field, Jr., America's "Justinian". In his writings he addressed goals of the Young America movement for legal, commercial and penal reform. He and his brother Theodore helped found one of America's most respected penological institutions, the present-day Correctional Society of New York. As an observer

of America, his observations are correctives to those of Alexis de Tocqueville. As a college teacher, he experienced ante-bellum false starts of a transition from American college to European-style university. To Francis Lieber, an earlier German scholar in America, he is said to have been "an eternal rival" to be discredited. Faced with limited opportunities in the United States, and greater opportunities in Germany, for legal science and for reform, in 1847 he chose to return to Germany to a position at the University of Breslau (present day Wrocław), again with the support of Alexander von Humboldt. In Germany he was an important participant in the events of, before and after the March Revolution of 1848, contributed an American perspective to German constitutional issues and continued as professor in Breslau and as parliamentary delegate in Berlin to the end of his life in 1876.

That was too much for the short article that I had in mind, especially when there is no biography of this remarkable man to rest my remarks on.⁵ So, I have split my article in two, one is biographical (this one) and another is legal. This article is narrowed to his first forty years, is largely limited to his life in the United States, and even here, is without the benefit of archival research.

Tellkamp's Family and Upbringing in Germany 1808-38

Johann Ludwig (sometimes Louis) Tellkamp was born January 28, 1808, in the small town of Bückeberg, then capital of the principality of Schaumburg-Lippe about thirty miles west of the city of Hanover. Tellkamp's upbringing in splintered *Kleinstaat* Germany contributed to the acuity of his observations of ante-bellum federal America.

Tellkamp's father, Johann Georg Dietrich Tellkamp (1771-1846), was secretary to Johann Ludwig von Wallmoden (1736-1811), one time commander-in-chief of the army of Hanover and regent of Schaumburg-Lippe until just before Tellkamp's birth. Wallmoden himself was an illegitimate son of King George II of England.⁶

In 1809 Tellkamp's family moved to Heinde, about twenty-five miles south-southwest of Hanover. There his father administered a Wallmoden estate. In 1818 Tellkamp began *Gymnasium* (academic high school) in Braunschweig; he graduated in Hanover. In 1819 his father was chancery advisor (*Kanzleirat*) in Braunschweig. In 1835 his father was supervisor (*Oberrevisor*) of the accounting department of the State Church in Hanover.⁷

Tellkamp's older half-brother, Adolf Tellkamp (1798-1869), did not go to America. Adolf as a boy joined in the wars of liberation against Napoleon 1813-15. In 1822 he completed a doctorate in mathematics and began university teaching. Owing to financial necessity, in 1824 he gave up university and began secondary school teaching where he achieved recognition.⁸ Although Adolf did not go to America, his daughter did. In Germany she married into the Sedgwick family of law reformers, one of whose offspring had come to study law in Heidelberg, Göttingen and Breslau, the last likely with his uncle's colleague, J. L. Tellkamp.⁹

Two of Tellkamp's younger brothers, Theodore, a physician, and Herman, a businessman, did follow him and made their lives in the United States settling eventually in New York City. Theodore had a career as noted physician involved in the public life of the city. Hermann was a stock-broker.¹⁰

Law Student and Legal Scientist at Göttingen

Spring 1828 Tellkamp matriculated at the University of Göttingen. He was twenty years old. Three years later, May 14, 1831, he completed a doctorate.¹¹ The University was at the peak of its fame. It had the largest library in Germany. By American standards of the day, it was huge. It had about fifteen hundred students;¹² Harvard, the largest of American institutions, that fall had only 401 students.¹³

No American college or university, as some colleges called themselves, bore any resemblance to Göttingen. The best American college was rather more a German *Gymnasium*. Students in American colleges might be as young as thirteen or fourteen; the better schools aimed for sixteen as a minimum. “Teaching” meant superintending student reciting. The standard curriculum was a program of classical and mathematical studies. There was no system of advanced work and no reward for scholarship. There was little library support for such work. College management was in the hands of often distant trustees or was delegated to discretionary control of the president.¹⁴ There could be no talk from a German perspective of “scientific study.” Teaching meant drilling, quizzing and recitation. Colleges, or at least Columbia College, was less about learning or libraries and more about sport.¹⁵

The disparities between the law faculties of Harvard and Göttingen were greater still: Harvard Law School had one professor and six students. Göttingen’s law faculty had eleven or more faculty members and about six hundred students. Göttingen’s faculty of law alone was larger than all American law schools put together.¹⁶

Göttingen drew students from all over Europe and from across the seas in America. In 1829 Göttingen had as many students from the United States as Harvard Law School had students from anywhere (six).¹⁷ Among the six was Harvard student and later Harvard professor, Henry Wadsworth Longfellow, whom Tellkamp would get to know in New England in 1838.¹⁸ Longfellow gives an American’s admiring view of the University of Göttingen then. He wrote his father that he found “everything I imagined . . . the advantages for a student in my particular pursuits are certainly not over-rated.”¹⁹ He wrote his sister: “With Göttingen I am much delighted, though I have no other society than my books.”²⁰ He wrote a friend: “I never saw so great advantages for a student.”²¹

In Germany, then and now, law is a science. It is not a natural science, but a normative science. Legal scholars are legal scientists. Legal scholars add to knowledge. They are not teachers of a trade. In the United States, even today, law professors are likely to regard themselves as teachers of lawyers rather than as scholars of law. They lack dissertation doctorates in law.

After completing his doctorate in law, Tellkamp took an education tour of Germany, and then returned to Göttingen to pursue studies to qualify as professor. For this he had to write a second dissertation. In 1835 Tellkamp published both dissertations, one in Latin and one in German.²²

Both dissertations demonstrate Tellkamp’s devotion to legal methods and legislation. The Latin dissertation, *De longa consuetudine*, is about

custom in law. Tellkamp prefaced his Latin text with a quotation from Friedrich Schiller about legislation: “Only lawmakers labor on a self-acting, obstinate material—human freedom. Only imperfectly can they realize the ideals that they have so clearly in mind. But here the mere attempt deserves all praise, if undertaken with disinterested benevolence and presented with consistent moderation.”²³

Tellkamp’s habilitation, his “second dissertation,” is *Ueber Verbesserung des Rechtszustandes in den deutschen Staaten* (1835) (*About Improving the Condition of Law in the German States*). In his habilitation Tellkamp made the audacious proposal of creating in every German state separate authorities, subject to the executive, that would be concerned exclusively with law reform, including civil law legislation, court procedures in civil matters, and finally criminal law and procedure. The authorities were to clean up defects and controversies in the law and develop it. The habilitation is the basis of the *American Jurist* article on systematizing law.

While lecturing at Göttingen Tellkamp wrote a substantial article on a technical issue of civil procedure and, before leaving for the United States, submitted it for publication in what was then and today still is the leading German journal for civil procedure, *Archiv für die civilistische Praxis*. Its editor, C. F. A. Mittermaier, was among Germany’s leading jurists and the one most focused on comparative and foreign law. Mittermaier also edited the only comparative law journal, *Kritische Zeitschrift für Rechtswissenschaft und Gesetzgebung des Auslandes* and the leading criminal law journal, *Archiv des Criminalrechts*. Mittermaier’s journals took note of Tellkamp’s work.²⁴ After J. L. Tellkamp’s return to Germany, Mittermaier published a lengthy report by Tellkamp’s brother Theodore, who was still in New York, about prison conditions in the United States.²⁵ Whether Mittermaier corresponded with either Tellkamp is not known to me, but he is known to have corresponded extensively and much of his correspondence survives.

Mittermaier was intensely interested in developments in the United States and reported on them frequently. He was particularly interested in prison discipline. Before he had heard of Tellkamp, Mittermaier was in contact with a German who had gone to America ten years earlier, Francis (Franz) Lieber. Lieber and Mittermaier were in frequent letter correspondence to exchange publications.²⁶ Lieber was Mittermaier’s intermediary to United States Supreme Court Justice Joseph Story, not only to obtain publications, but to publish Story’s work in Mittermaier’s journal.²⁷ Then Lieber was better known in the United States than Tellkamp, but not necessarily in Germany. Today, on both sides of the Atlantic, Lieber is remembered while Tellkamp is forgotten.

The Göttingen Seven and Tellkamp's Departure for America

Vormärz is the time before the March beginning of the 1848 Revolution in Germany when there was agitation for democracy and national unity.²⁸ Among the most famous incidents of the *Vormärz* was that of the “Göttingen Seven.” It is still remembered today.²⁹ The incident began when Victoria became queen of the United Kingdom of Great Britain and Ireland as George III’s granddaughter. Dynastic law precluded her from ruling her grandfather’s Kingdom of Hanover. So her uncle became Hanover’s King Ernest Augustus I. The new English king, son of America’s own tyrant, King George III, quickly overturned the liberal Hanover Constitution of 1834 and demanded that all state servants—including university faculty—take oaths of allegiance to him. Seven professors at the University of Göttingen, including the noted constitutional scholar Hugo and the brothers Grimm—refused. English King Ernest Augustus I dismissed the German renegades and expelled the non-Hanoverians from Hanover. Tellkamp, as *Privatdozent*, i.e., someone authorized to teach but not formally a faculty member, was not included among the Göttingen Seven, but he too refused to sign the loyalty oath and resigned from the University.

At this point, if not sooner, Alexander von Humboldt befriended Tellkamp. It appears that Humboldt arranged for authorization of Tellkamp to teach in the Prussian universities. When Tellkamp decided to go to the United States, it appears that Humboldt provided letters of introduction. How this friendship came to be—whether as a result of the Göttingen Seven’s defense against English tyranny in Hanover or in some other way—is not known to me. Humboldt was known to be “the protector of many unfortunate scholars.”³⁰ He was a prolific letter writer; archival research might answer these questions.

Tellkamp did not have the urgent reason to depart Germany that Lieber did: imminent imprisonment. Tellkamp could have stayed in Hanover. Some sources suggest that to go to America he left behind an offer of professorship in Prussia.³¹ This seems unlikely. More likely he was offered the possibility of following the long and difficult course from *Privatdozent* to *Professor*.³² That he did go suggests that whatever offer he had in Germany was not more attractive than going to the United States.

The financial support, if any, that Tellkamp had for his trip is not known to me. By one account, Alexander von Humboldt himself made the trip possible. The *Allgemeine Deutsche Biographie* of 1908 attributes the trip to Humboldt: “He found in Alexander von Humboldt a protector who brought about his going to the United States for scientific studies.”³³ Did that mean money?

If it was Humboldt, one wonders what Humboldt encouraged Tellkamp to study. It certainly was not the natural phenomenon that Humboldt had researched. Was it the legal system and its methods, i.e., a continuation of Tellkamp's university studies? Rattermann, a German-American editor who knew Tellkamp's brother Theodore, suggested that Tellkamp had decided "to make a scientific trip to England, France and North America to study the administration of justice from his own perspective."³⁴ Or did Tellkamp plan, with or without Humboldt's counsel, to study something that he had yet to publish on, but would later, i.e., prison discipline reform, banking or constitutional law? Humboldt, as confidant of Prussian King Frederick William IV, would later discuss with Tellkamp and the King, prison reform. Or did Humboldt have another topic in mind? Currency was a current theme in the world. Humboldt just then had published a study of availability of metals for backing currency.³⁵ Or might Humboldt have had yet another subject? Might it have been the United States of America as a model for a future United States of Germany? Bismarck, when a student at Göttingen in 1832/1833, wagered an American student, Amory Coffin, that German unity would occur within twenty years.³⁶

Tellkamp apparently did have a governmental approval for his mission. Which ministry is uncertain. Tellkamp's undated but necessarily post-1847 biography in Breslau stated that "The Royal Prussian Minister for Foreign Affairs supplied him with letters of introduction for this purpose."³⁷ In 1843 a German language newspaper in New York, reported that it was "das preußische Ministerium für die öffentlichen Unterricht mit Empfehlungen an den preußischen Gesandten in den Vereinigten Staaten, Hrn. V. Rönne."³⁸ Perhaps it was both.

Ministerial backing suggests that Tellkamp left Germany intending to study prison discipline. That was a topic already in discussion in Prussia and certainly safer than constitutional reform. Only a few years before, not only had the Frenchman Tocqueville made his famous study of American prisons, a Prussian penologist, Nikolaus Heinrich Julius made one too. Later in 1843 and in 1846, Humboldt and Tellkamp would discuss with the king prison reform. Whether a ministry provided money is not known to me. Tellkamp did not have the independent means that his French aristocrat counterpart Tocqueville did.

Many sources say he planned a scientific trip and none that I have seen speak of a planned permanent emigration. Still he may not have been certain in his own mind. He was unmarried. Two of his brothers, Theodore and Herman, did follow him and were immigrants who spent their adult lives here (although both returned to Germany to die). Theodore originally planned only a study trip of his own to hospitals and asylums.³⁹

The American Legal Scene in 1838

When Tellkamp arrived in the United States in 1838 nascent efforts to develop a modern American system of law and legal education were at a zenith notwithstanding the Panic of 1837 and the Six Year Depression that followed.

Codification, that is, the stating the law in systematized legislation instead of in cases of judge-made common law, was center stage. In 1829, New York, under the leadership of three young, well-regarded lawyers, Benjamin F. Butler, John Duer and John C. Spencer, had revised its statutes. Foreign legal publications in England and in Germany took positive note and regarded the work as practically a code. In the 1830s Massachusetts and Pennsylvania followed suit. In Massachusetts agitation for a further-reaching codification that would incorporate and largely eliminate common law led to the appointment and a report of a five-member study committee led by America's most illustrious active jurist of the day, Supreme Court Justice Joseph Story.⁴⁰

In 1838 professional legal education seemed to be about to turn a page from an older, practice-based English-style apprenticeship models to more science-oriented Continental European university style law faculties. The most successful proprietary law school, that is, a law school run by practitioners independent of a college, Litchfield had closed in 1835. The first law school of the new model, Harvard Law School, which had been near death in 1828 with only one faculty member and one graduate, had been resurrected with the appointment of Justice Story as lead faculty member. In 1838 it had three faculty and thirty graduates. Two of the three New York Revisers, Butler and Spencer seemed on their way toward creating new law faculties at New York University in New York City and Hamilton College in Clinton, New York. Butler, by then Attorney General of the United States, had made the most progress. With a view toward learning from the Prussian model, New York University held inaugural lectures in April 1838.⁴¹ Out west, in Cincinnati, Timothy Walker, a student of Story's first class, had himself begun a law school. In the South, David Hoffman was still struggling with legal education in Maryland, published the second edition of his *Course of Legal Studies*, which Story had favorably reviewed in its first edition.⁴²

Everywhere in the United States, it seems, there was talk of creating a science of law. Harvard law school at its formal re-founding in 1833 was looking to a science of law.⁴³ That idea is in the title of Butler's proposal in New York in 1835.⁴⁴

A science of law needs scientific publications. Again, Justice Story took the lead. Instead of publishing a general, Blackstone-like all encompassing commentary such as his friend and rival, Chancellor James Kent had done, beginning in 1833 he published a series of subject-oriented commentaries that drew upon European law, were noted in Europe, and dominated legal publishing in America for decades after his death in 1845.

A critical literature was forming: works for systematizing jurists, reforming politicians, and future-thinking traders. *The American Jurist and Law Magazine* under the editorship of Georg Hillard in 1838 was in its tenth year of publication. As Tellkamp arrived, John O'Sullivan brought out the first issues of *the United States Magazine and Democratic Review*. Just after Tellkamp arrived, Freeman Hunt brought out the first issues of *the Merchants' Magazine and Commercial Review*. Tellkamp got to know all three men and was represented in all three of their journals, each of which led the country in its respective field.

Tellkamp in Cambridge (Summer 1838)

Tellkamp arrived in New York City July 4, 1838. He soon went to Cambridge. There he met with Justice Story. Story was keenly interested in foreign law. Francis Lieber was Story's source for German law and intermediary to Germany's leading comparative scholar, C. F. A. Mittermaier.⁴⁵ But by 1838, Lieber had left Cambridge for a position at South Carolina College. I am aware of no record of the meeting.

Whatever was the nature of the meeting, Story gave Tellkamp a letter of introduction to Henry Wordsworth Longfellow, then Smith Professor of Modern Languages at Harvard College. As Smith Professor of Modern Languages Longfellow was responsible for modern language instruction at Harvard and that summer had been seeking a replacement teacher for German and French. Tellkamp did not wait for Longfellow to return to Cambridge but tracked him down to his boyhood home in Portland Maine where he was summering. By the time Tellkamp reached Portland, however, Longfellow had filled the position.⁴⁶

August 16, 1838, Longfellow wrote his friend George Hillard that Tellkamp and he had had a pleasant visit: "Another out-lander walked in yesterday morning without knocking. He proved to be an exiled Professor from Göttingen by name Tellkamp, with a letter from Judge Story. He passed the day with me. A very social, pleasant person—somewhat tinged with the green vanity, which every German *Privat-Docent* is clothed with." Longfellow wrote Hillard as editor of the *American Jurist* that Tellkamp was "desirous of inflicting an Article" upon that journal; "pensively adum-

brative of much.”⁴⁷ Some three years later the *American Jurist* did publish a Tellkamp article—surely the one discussed with Longfellow.

A little more than three weeks later, Tellkamp saw Longfellow again, this time in Cambridge while visiting Charles Beck,⁴⁸ a German teaching at Harvard. September 2, Longfellow wrote his father, who also had met Tellkamp in Maine: “He speaks of his day with us in Portland as one of the pleasantest he has passed in America. The coffee and cigars in the back yard he looks upon as the most delicate attention he has received anywhere.” Tellkamp’s plans for America must have still been up in the air. Longfellow continued in his letter to his father: “He proposes to pass the Winter in Boston; and deliver a course of Lectures on the Various Schools of German Philosophy. I think the plan very good.”⁴⁹ But Tellkamp’s plans soon changed. By month’s end, he was lecturing at Union College in Schenectady New York.

Tellkamp kept up his relationship with Longfellow, at least for a while. They got together again in Cambridge the next year for an evening of frivolity. December 5, 1839, Longfellow wrote his father of the visit, poking a little fun at Tellkamp for his English pronunciation, but reminding his father of Tellkamp’s visit to Portland and reasons for coming to America: “Do you remember Dr. Tellkamp, the German, who visited me last summer in Portland—no, the Summer before—and smoked under the trees after dinner? The same who was banished from Göttingen, because, as he said, the “King of Hanover wanted him to swallow his *oats*’ (oaths) and he would not.”⁵⁰

Longfellow followed up with news of Tellkamp’s appointment at Union: “He is professor in Union College, Schenectady; and teaches there Civil Polity, French, Italian and German. I never see him, that he does not allude to the cigar and coffee after dinner, under the trees. It took him captive entirely. It was he says, *so German!*”⁵¹ Longfellow had a good time with Tellkamp. He wrote of the visit in his journal: “*December 6*, We stayed into the small hours of this morning at Dr. Beck’s, and had a merry time of it, with delicious hock. Telkamp [*sic*] tells stories; one of them quite fresh.” It was fresh enough that Longfellow recorded it in his journal.⁵²

Tellkamp based in Schenectady NY

(Union College, Fall 1838 to Spring 1843)

September 26, 1838, Tellkamp was in Schenectady in upstate New York at Union College lecturing on Roman law and political economy.⁵³ Less than a year later, in July 1839 at the College’s annual commencement,

the Board of Trustees recommended the appointment of “Louis Tellkampff, of Göttingen, teacher of Latin, Modern languages and civil polity, as professor to be paid up to \$1000 a year.”⁵⁴

This was no ordinary commencement. Tellkampff had landed in the right place at the right time—at least, the best landing possible in America in 1839. The ambitions of Union College’s flamboyant President Dr. Eliphalet Nott were at their apogee. His biographer writes of July 1839: “By Commencement of 1839 Union College . . . was in a unique position. It was potentially the wealthiest college in America. Waiting for the end of what appeared to be only a temporary faltering of the economy, [Nott] could turn his mind again to university planning, for it was a Union College transforming itself into a University which more and more took hold of his imagination. Much had been done.”⁵⁵ He towered over Union College’s Board of Trustees.

Tellkampff’s hiring was one thing that Nott had done. Nott’s biographer observes that the Board “had only to attend the graduating exercises to sense a changing land. . . . the addresses given by the graduating seniors, many of them no more than seventeen or eighteen, boys who now spoke gravely to their elders on [adult topics]. . . . And there were literary criticisms of Goethe and Schiller . . . inspired no doubt by Professor Louis Tellkampff [*sic*], of Goettingen, teacher of Latin, Modern Languages, and Civil Polity’ . . .”⁵⁶ The Board of Trustees received a finance committee proposal to apply to the State in order to establish “New Schools . . . new professorships . . . new scholarships . . . and an observatory” to be associated with Union College. The College seemed on the verge of a great expansion.⁵⁷

Commencement in July 1839 brought to Union College as trustees the newly elected governor of New York State, William Seward, and the newly elected Secretary of State, John C. Spencer, who was also Superintendent of Schools.⁵⁸ Both would have roles in Tellkampff’s professional future. Spencer had been one of the three drafters of the New York Revised Statutes of 1829. He recently had given tangible expression to his interest in a science of law and legal education: in 1835 he edited the first American edition of Tocqueville’s *Democracy in America*. In 1835 Spencer had proposed establishing a law school at Union’s upstate New York competitor Hamilton College.⁵⁹ When in the 1850s Nott was wrapped up in charges of financial misconduct, Spencer would prove Nott’s best friend.⁶⁰

Also at the meeting was Union College’s new Vice President and Nott’s son-in-law, Alonzo Potter. Potter and Nott shared ambitions for Union College, but Potter’s was less “Messianic” and more “academically conventional.” Potter was himself an early American academic. As an or-

dained minister of the Protestant Episcopal Church and later Bishop of Philadelphia, he was one of five ministers counted as the “clerical school of political economy.”⁶¹ Later, at Columbia Tellkamp got to know another, Reverend John McVickar. One of the Board’s actions that day was to add Potter to the Library Committee to do something about the library that four years before it had found wanting.⁶²

Tellkampf the Legal Scientist at Union College

Tellkampf seems not to have disappointed either Nott or Potter, notwithstanding their different orientations. Criticism from the former we have none; praise from the latter we have in quantity.⁶³ Tellkampf played for them both. He seems to have done what he might have at a German university.

Tellkampf supported Potter in the latter’s tasks from the mundane to the ambitious. When Potter wrote texts, Tellkampf helped. For a second volume of Potter’s 1841 textbook *Political Economy*, Tellkampf wrote chapters on currency and banking. Potter in the foreword to volume 1, the only volume to appear, thanked Tellkampf.⁶⁴ Of Potter’s 1842 *Manual for Schools* Tellkampf is reported to have helped Potter.⁶⁵ In Potter’s 1843 *Handbook for Readers*, Potter thanks for legal work a “professional friend” who likely was Tellkampf.⁶⁶ So Tellkampf (apparently) brought to the attention of their junior colleague and later college librarian, Pearson, the German practice of libraries exchanging duplicate books to help strengthen the library Potter had charge of.⁶⁷

It was through Potter’s work in book publishing, it seems, that Tellkampf met Francis Lieber, who came to Schenectady in 1841⁶⁸ to discuss publishing Lieber’s book, *Property and Labour*.⁶⁹ Potter arranged for its publication with Harper & Brothers and wrote an 18-page introduction. Harper’s initial print run in 1841 in the first of what would be seven printings was 15,000 copies, 10,000 for school libraries and the remaining 5,000 as No. 146 in its Family Library series.⁷⁰

Nott must have been proud of the scientific work that Tellkampf was doing in legislation, banking and prison discipline and glad for the luster it was bringing Union College. The article that Tellkampf brought to Longfellow in 1838 appeared in the *American Jurist* beginning in October 1841. Tellkampf himself reported that Spencer’s father, then Chief Justice of New York’s highest court, wrote him to signal his appreciation.⁷¹ Its auspicious appearance in October 1841 means that David Dudley Field, Jr., might have relied on it in his first substantial publication on codification: open letters to New York Assembly (Young American) John

O'Sullivan, dated January 1, 1842, and written just after Field's defeat in the 1841 election.

In 1842 Tellkamp published two articles in Freeman Hunt's *Merchants' Magazine and Commercial Review*. Hunt's newly founded magazine is in the spirit of Nott's views of education. Tellkamp's articles were probably based on, or may have been, the chapters that he prepared for Potter's *Political Economy*.⁷²

In 1843, Tellkamp gave tangible form—and showed courage—when he took on Charles Dickens' critique of American prison discipline.⁷³ By 1843 Tellkamp had visited—and revisited—many American prisons. The topic then called “prison discipline” was a leading one for comparison. It was the ground for not only Tocqueville's nine-month visit to the United States in 1831 to 1832, but also that of the Prussian Nikolaus Heinrich Julius. It was a topic of keen interest to Mittermaier.

Prison discipline was one area where Europe looked to America for new ideas to replace capital punishment, transportation to prison colonies and inhumane prisons. The United States presented two competing models, both intended to prevent prisoners from contaminating each other. The one was the “silent model,” so-called because it allowed prisoners to work together, but required that they maintain silence. Associated with the New York prison at Auburn in upstate New York, prisons maintained silence with physical punishment (the lash). The other model was known as the “separate model” to those who approved of it, or “solitary confinement,” to those who did not. The idea was that prisoners would be completely separated from each other, but would receive constant attention and instruction from caretakers. Proponents of one or the other system, or modifications thereof, fought bitterly for their positions.

From Union College Tellkamp carried out research on American prisons. During the three vacation periods of each year, he visited prisons in the northeast that could be reached by rail or boat.⁷⁴ Fortunately, the principal prisons for his visit could be so reached. Auburn Prison in New York is about 150 miles west then reachable not far from the Erie Canal, Sing Sing Prison is on the Hudson River about 135 miles south reachable by Hudson River Steamer, and the Pennsylvania State Prison was in Philadelphia. Tellkamp inspected and re-inspected many different prisons and similar institutions.⁷⁵

The furthest west that Tellkamp went was to Columbus. Either in the course of that trip or another, in January 1842, he visited Cincinnati. There his brother Theodore, who collaborated with him on the study, was practicing medicine. Theodore visited many of the same prisons, although I do not know how often they visited together.⁷⁶ How he financed these trips I

do not know. He was not independently wealthy and his salary from Union College was not munificent.

Tellkamp in presenting his scholarship, notwithstanding the “greenish vanity” seen by Longfellow, or the “flippancy” noted by Pearson, respected the sensitivities of his audiences to foreign criticism. He appended to his 1842 article this note: “The writer of this article, Professor *Tellkamp*, is entirely disinterested in his views, and has no wish to come with the sphere of political contention; he is simply desirous of contributing towards the full discussion of a few of the most important questions regarding the currency, now agitated in this country.”⁷⁷ He prefaced his remarks at the first meeting of the Prison Association of New York in 1842: “I may be permitted to contribute a small share of information upon the subject in question, and expect to be indulged in a candid criticism on the creditable experiments in this country in prison reform; for impartial criticism is the best service that can be rendered where the end aimed at is still greater reform.”⁷⁸ Tellkamp tried to distance himself from politics and to adopt the mantle of scientific neutrality.⁷⁹

Tellkamp the Teacher at Union College

Tellkamp joined the Union College faculty in 1838 to lecture on Political Economy and Roman Law. With Tellkamp there Union College for the first time divided its course offerings into eight “departments,” including “Moral and Political Economy under the care of Professors Alonzo Potter, Reed and Tellkamp.” Texts included Kent’s *Commentaries on American Law* and Guizot’s *History of Civilization*. Tellkamp taught a variety of courses in law, history and political economy. He was the first faculty member to have history in his title. He sometimes also taught German. With his departure, for a time history at Union College fell into the “doldrums.”⁸⁰

One remarkable source for the history of Union College, including of Tellkamp there, is the private diary kept over 47 years by Jonathan Pearson, a colleague junior to Tellkamp. The diary—long known—was first published in this century.⁸¹ Pearson, a frequent critic of President Nott in his diary, is consistently complimentary of Tellkamp. His wry comments are reminiscent of those of Longfellow. On first meeting Pearson described Tellkamp as “A very smart, flippant little fellow and of considerable talents and acquirements. In the recent difficulties at the University [of Göttingen] with Prince Ernst he was among those Pro[fessors] who were sent away.”⁸² He recorded that a student with whom Tellkamp de-

veloped a mentor type relationship had learned German and had translated for publication Tellkamp's brother's book on mathematics.⁸³

In his March 4, 1842, entry, Pearson reported that Tellkamp had suddenly left Schenectady to follow a job prospect in New York City: an appointment at Columbia College. Pearson wrote that Tellkamp "hopes to get the appointment, although I think it doubtful." More likely, thought Pearson, was that Lieber or another German, "both somewhat distinguished," would. Still, Pearson described Tellkamp as worthy competitor for the post: "a right clever fellow in the Yankee sense, gentlemanly, kind-hearted, a ripe scholar and persevering . . ."⁸⁴

It is in this entry that one finds the only negative comment from Pearson about Tellkamp. Pearson thought that it "would be well for Un. Coll. if he would leave that his salary might be applied to some better use." Pearson had in mind where that salary might go: to himself. Less than seven weeks before, his plea to Potter for promotion to professor and for a full salary had been brushed off.⁸⁵ By way of justification Pearson noted in his diary of Tellkamp that he: "knows little of our Am[erican] way of teaching. Don't succeed as a teacher or lecturer. [*sic*]."⁸⁶ No other entries suggest animosity of any kind; other entries are sympathetic.

Half a year later Pearson recorded an autumn outing with Tellkamp much like the one that Longfellow reported: "Glorious day—one of those soft balmy fall days so delightful to enjoy. With Dr. Tellkamp walked to the Aqueduct. A pleasant companion like him, with a cigar and apple, a beautiful day, and gorgeous autumn foliage, wide prospects of the Mohawk, and distant murmurs of the rips at the Aqueduct. These are enough to make a pleasant foot jaunt. This we had; and an appetite for supper."⁸⁷

Tellkamp did his share of service to school and community. Notwithstanding his research travels, he faithfully attended all of the semi-annual faculty meetings held while he was at Union from 1838 to 1843.⁸⁸ He helped out Secretary of State Spencer in common school education.⁸⁹ He contributed to ex-Governor William Dix's *Northern Light* journal.⁹⁰ He gave instructions on setting up the first Christmas trees in Troy New York.⁹¹

Tellkamp did get the post at Columbia. In April 1843 Columbia College Trustees created the Professorship of the German Language and Literature. In June they appointed Tellkamp Gebhard Professor.⁹² The American press, both English-language and German language, noted the appointment; the latter added that the Columbia Trustees had chosen Tellkamp nearly unanimously out of many candidates. The German-language press in Europe reported the appointment following the New York German-language report.⁹³

Tellkamp and Union College parted on good terms. William H. Seward, who counted himself a faithful “Pupil of Nott,” Union College alumnus, and formerly as Governor of New York a trustee of Union College, had himself recommended Tellkamp to Columbia.⁹⁴ When two years later Union College celebrated its semi-centennial, with Spencer presiding, Tellkamp was among the invited honored celebrants. Among eleven toasters he alone delivered a laudation in Latin.⁹⁵

Tellkamp is reported to have told a German-American publisher of his positive memories of Union College, its students and faculty. The publisher wrote: “He was active there until 1843 and with great success. Many professors and students had him teach them German language and literature, and he declared his complete satisfaction with the enthusiasm with which they studied the language and literature of the German people.”⁹⁶

Tellkamp's Research and Job Trip Home (Summer/Fall 1843)

By summer 1843, when appointed to the Gebhard Chair, Tellkamp had made substantial progress in his research work on prison reform. In January he had published in the United States in English an extended rebuttal to Charles Dickens criticism of the Pennsylvania “separate” system of prison discipline.⁹⁷ Still in the first half of the year while at Union College, Tellkamp published in Germany a preliminary report of aspects of his American visits.⁹⁸ The German journal's co-editor, who himself only a few years before had visited American prisons, thanked Tellkamp for permitting publication of “fundamental as well as meritorious unpublished work” and noted both Tellkamp's extensive visits to American prisons and his “penetrating” observations. Later that year Mittermaier reported on Tellkamp's observations and on his efforts independently to verify them through his U.S. contacts.⁹⁹

Tellkamp sought and received from Columbia College permission to defer taking up the position in New York until New Year 1844.

With the time made available, Tellkamp returned to the Continent and stopped off in England to visit two prisons with a letter of introduction from the German Ambassador Bunsen. Back in Germany he rekindled his contacts in a way one might call a big blaze. He discussed prison reform with the King of Prussia himself, Friedrich Wilhelm IV. After the meeting, his sponsor Alexander von Humboldt, who met daily with the King and probably sat in on the meeting, wrote him on November 14, 1843:

To the most favorable impression which you have made through talent, knowledge and modesty upon the King and all his Secretar-

ies and the Counsellor of the Cabinet Mr. Müller, I have nothing to add. They find you valuable for the University and almost indispensable for the projects of the penitentiaries.¹⁰⁰

Tellkamp was exploring an appointment in Prussia, but as Humboldt predicted in his letter, the matter was not resolved before Tellkamp left Germany November 23. Humboldt wrote “Knowing as I do the affairs from close observation I must advise and counsel caution,” nonetheless wrote “I consider it certain that we shall gain you for the Fatherland in an honorable manner rewarded,—now or after a year.”¹⁰¹ Tellkamp returned to New York City in time to commence teaching at Columbia College Winter 1844. By then Young America was in full flower in New York City.

Columbian Competition and Tellkamp’s Choice

Tellkamp’s decision to accept the chair at Columbia College was not the simple choice that one might imagine today. In choosing Columbia College, he chose New York City over Schenectady. He did not choose Columbia College over Union College. Tellkamp’s choice of cities worked out; his choice of colleges did not.

Young America in New York City

American historians call the 1830s to the early 1850s an age of reform. Within that age they place “Young America.” They use Young America both to identify a movement and as a label for the times. They see it both as a literary and as a political phenomenon.¹⁰² In politics they associate it with “New Democrats” and with John Louis O’Sullivan’s journal *The United States Magazine and Democratic Review*. They note Young America’s affinity with similarly named phenomena abroad, e.g., Young Europe, Young Germany, Young France, and Young Italy, that culminated in Revolutions in 1848.¹⁰³ They remind us that of Young America Lincoln said: “Is he not the inventor and the owner of the *present* and the sole hope of the *future*?”¹⁰⁴

Historians see the political issues of Young America in codification, law reform,¹⁰⁵ banking, free trade, infrastructure improvement and a new international consciousness extending to support for the revolutions of 1848 in Europe. Slavery is largely absent. Historians see the principal players of Young America in New York as David Dudley Field, Jr., John L. O’Sullivan, the Sedgwick family, and Benjamin F. Butler.

Historians associate Young America geographically with New York: an intended shift from Boston and its Brahmins and Philadelphia and its patriots to New York and its merchants. This “new American culture,” one historian writes, naturally emanated from New York City, already undergoing a stunning metamorphosis.” New York was outstripping all rivals. “As it became the great emporium of American commerce, it inevitably emerged as the nation’s cultural marketplace as well, attracted a swarm of intellectuals”¹⁰⁶ Tellkamp was one of those intellectuals. Schenectady was almost in “the larger cultural region” of ante-bellum New York City: the rough triangle between New York, Albany and Stockbridge, Massachusetts.¹⁰⁷

Even before the advent of literary Young America, New York had set the direction for legal reform: the New York Revised Statutes of 1829. Begun as a simple compilation of statutes in force, it ended as a true revision intended to make laws simpler and better. Three young lawyers carried it out: Benjamin F. Butler,¹⁰⁸ John Duer and Tellkamp’s collaborator, John C. Spencer.

For Tellkamp, the legal scholar, the allure of New York over Schenectady was likely more important than Columbia College over Union College. Political and commercial capitals draw legal scientists: where else can one better impact the law than where it is made and plays out? Capitals have better libraries. They have more to do. For a bachelor German in America, New York City offered a vibrant German community.

Francis Lieber: Tellkamp’s Stealth Competitor

If junior colleague Pearson knew that Francis Lieber was a competitor for the Columbia post, Tellkamp surely did too. What Tellkamp might not have known is that Lieber was out to discredit him. Tellkamp was Lieber’s “eternal competitor” in America and in Europe.¹⁰⁹

Lieber is often seen as founder of political science in the United States, but in 1843 an appointment at Columbia was still fifteen years’ in the future. In 1843, Lieber was stuck at South Carolina College in Columbia, South Carolina and desperate to leave.

Lieber’s training in Germany was in mathematics and not in law. About ten years older than Tellkamp, he came to the United States about ten years sooner under similar political circumstances and with similar high-level encouragement. But Lieber had no choice but to flee: he had been imprisoned and was under sentence of imprisonment. Not until he was pardoned in 1843 could he safely return to Prussia.

Lieber in the United States got to know Justice Story, whom he enlisted to provide the American law entries for America's first encyclopedia, the *Encyclopedia Americana*, based on Germany's popular *Conversation's Lexikon*. Lieber befriended Tocqueville and translated (and transformed) Tocqueville's report on American prisons. Unable to obtain a position at Harvard or elsewhere in the Northeast, he accepted one at the College of South Carolina.

As a lover of liberty, Lieber was desperate to escape the South and slavery and to get to the North. In 1842 his own position was tenuous: he was too well known as an opponent of slavery. As Pearson expected, Lieber did apply for the Columbia position. May 19, 1842, he wrote privately to Columbia Trustee Samuel B. Ruggles of his interest in the "German professorship." The two had met previously, but were not yet friends. Lieber wrote of his present salary, \$2500, and of his family's need to at least match that. He hoped that Professor Reverend John McVickar, who taught political economy might be chosen as new president so that part of his salary could be used to fund a chair for Lieber. That summer Lieber went to New York and visited Ruggles and William Kent, Chancellor Kent's son and himself a Columbia trustee. Lieber went home encouraged.¹¹⁰

In January of 1843 Ruggles updated Lieber on progress of the process: applications were "measured by the cubic yard."¹¹¹ The chair was not yet established as Columbia had not yet received the bequest. Ruggles told Lieber that the College's finances precluded paying more than the interest on the \$20,000 bequest, which would have been less than half the \$2500 Lieber was seeking. Ruggles added, however, that the Trustees would consent that the "German Professor" devote a considerable portion of his time to classes other than those in the College or to any other literary pursuit.¹¹²

Although Lieber's salary requirements precluded his getting the post, Lieber is reported to have been "disgusted" by Tellkamp's appointment and "galled" by it.¹¹³ Lieber's 20th century biographer put the appointment down without dignifying Tellkamp with a name: the trustees "appointed an impecunious young immigrant who would accept it for far less than would Professor Lieber."¹¹⁴

In summer 1843, when Tellkamp was off to Germany to restore ties there, Lieber traveled North, this time to Cambridge, to mend fences with Longfellow, with whom he had been a continuing friend, and to discuss with Justice Story possibilities for endowing a chair for Lieber at Harvard Law School.¹¹⁵ Lieber had no law degree, so his possibilities at a law school were remote.

When Lieber was finally, after nearly two decades in exile, able to return to Prussia in summer 1844 King Frederick William IV himself spoke

to Lieber of Tellkampf's visit. He counted Tellkampf as an American not fully convinced of the separate system of prison discipline.¹¹⁶ The King suggested that Lieber speak with Humboldt. Lieber had already met Humboldt decades before. Lieber sought Humboldt's help in getting a Prussian position similar to that Tellkampf might have had in mind, professor of penology and general inspector of prisons.¹¹⁷

Lieber did not keep his dislike for his competitor Tellkampf to himself. As his 21st century biographer reports, it's remarkable how personal interest can color subjective descriptions.¹¹⁸ She relates criticisms that are personal. To his wife, in 1843, Lieber described Tellkampf as "that disagreeable fellow . . . a Hanoverian, ein fader, ekelhafter Laffe (a stale, disgusting popinjay)."

In November, after the visit with the king, Lieber warned Tocqueville against this "fool [who] has done a great deal of mischief. He has written a book, in which he proposes the silliest things. . . ."¹¹⁹ In 1844 Lieber would gladly have stayed in Germany. Unfortunately, Heidelberg did not offer him a position and the administrative position the King offered paid too little. Lieber's work against Tellkampf still did not stop. Lieber held out that he might be named as representative of the 1848 National Assembly to the United States. He warned the scholar and politician von Mohl of his fears that Tellkampf might get the job.¹²⁰

Tellkampf based in New York City

(Columbia College Appointment Summer 1843 to Spring 1847)

Tellkampf's actual time in New York City turned out to be short: not even three full years. Appointed in early summer 1843, he spent summer and fall 1843 abroad. At last in New York City in winter 1843/1844, he may not have started teaching until April 1844. He then did teach two full academic years: 1844-45 and 1845-46. He was again abroad for fall 1846 to follow through on a study requested by Prussia. It appears that he returned for winter 1846/1847, only to be gone for good to Germany in spring 1847, when he sent in from Berlin his letter of resignation to Columbia College. His brother Theodore, who himself had moved to New York City, covered for him teaching commitments in 1847 and possibly earlier.

Columbia College allowed Tellkampf to defer the start of teaching and accepted his proposal that his salary fund a German collection in the library to create a German collection. As part of his trip he acquired books for the collection.¹²¹ Although not reputed to be divisive point, as well

as the trip fit into Tellkamp's development as a legal scientist, it can hardly have helped him get off to a good start as a teacher.

International Legal Scientist in New York City

In real time Tellkamp was in New York City for about 2½ years, more-or-less from January 1844 to June 1846.

Those years should not have disappointed him. He seems to have used them well to develop his professional career as legal scientist. He put his work in prison discipline front-and-center, but had ample opportunities in international commercial law, and good prospects for future work in law reform. His work blended the scholarly and the practical.¹²² In his work and opportunities in all three areas, the overlap among the people involved in each is remarkable. Young Americans were involved in all three areas. He even got to know the literary side of Young America, i.e., he befriended Edgar Allan Poe in his journal and public life. He may have influenced Poe's views on monetary issues.¹²³

"Prison discipline reform" was the main theme for Tellkamp on his return in early 1844. Just as he was getting to New York City, his book reporting his findings in America was being published back home. It found much interest in Germany because of interest in how the United States was handling the issue. The first sentence of one review explained that some Germans saw prison reform as the one truly new scientific idea to come out of the new world.¹²⁴ Reviews were not all positive¹²⁵—for the topic was controversial—but there was interest in prison reform throughout the western world¹²⁶ and Tellkamp was at the heart of it.

A Democratic election victory in 1842 resulted in John W. Edmonds becoming the president of the new board of inspections at Sing Sing prison. Edmonds began to follow through on promised prison reform. When the legislature failed to deliver Edmonds took his case to the public. He enlisted prominent Democrats as well as both Tellkamp brothers to found the Prison Association of New York, today's Correctional Association of New York.¹²⁷

Edmonds assigned a central role to the two Tellkamp brothers—the German experts in prison discipline reform. They were two of the eight signers of a circular distributed November 25, 1844, calling for a meeting December 6 to form a "Prison Association" whose objects were to be "amelioration of the condition of prisoners," "improvement of Prison Discipline generally," and "relief of discharged convicts, by affording them the means of obtaining an honest livelihood." The notice that accompanied

the circular, signed by 62 leading citizens, was published in the New York newspapers December 3.

When the organizing meeting came Tellkampff, (i.e., the elder brother J. Louis) had a starring role. He was one of only four people to offer resolutions to the founding body. He came right after Theodore Sedgwick, Jr. The Report of that first meeting prints only three addresses: the one by Tellkampff takes up a quarter of the 64-page report.¹²⁸ One sees reflected in Tellkampff's call for prison discipline reform his abiding interest in rational legislation that went back to Göttingen: "The true end design of government is legal security, which can not be preserved without the controlling force of criminal law. The power of the criminal law depends upon the approval of public opinion. The law must, therefore, necessarily be so reasonable that enlightened public opinion can approve of it."¹²⁹

Among the Association's most substantial accomplishments in its first eighteen months (in May 1846) was to win from the legislature legal authority for the Association itself to inspect prisons.¹³⁰ Tellkampff soon made use of that authority.¹³¹

Tellkampff remained with the Association through its first years until he returned to Germany. When he returned to Germany, he became one of its foreign corresponding members. For years after the Association and others remembered him for his role in its founding.¹³² His younger brother Theodore continued as an active member for many years.¹³³

Earlier in 1844 before establishment of the Prison Association, Field's old ally, editor of the *United States Magazine and Democratic Review*, and quintessential Young American, John L. O'Sullivan, founded a national organization for abolition of the death penalty¹³⁴ At the second annual meeting of that association in February 1845 Tellkampff became a member of its "Committee of Five" led by Horace Greeley.¹³⁵

Even while in New York City Tellkampff's work in prison discipline reform remained international. Access to American prisons helped him report abroad as well. His German visit and publications paid off back home. In March 1846 Tellkampff reported to Columbia's Board of Trustees that he had received a call to "to a full Professorship of Civil Polity, Political Economy and Law ('Staatswissenschaften')" and as "counselor of State." Tellkampff had already been in touch with members of Columbia's Board and with the President about the possibility. Then he was not yet prepared to give up his position at Columbia. He asked the full Board for a leave of absence and wrote of his conflict between his adopted country and his native country as well as of his wish to facilitate reform in both places:

Though this call in a pecuniary point is very advantageous and holds out the prospect of a prominent position in the government of my native country, still I must say that I do not wish to resign my present situation. I have become strongly attached to this country, I have resided here for seven years and have acquired a large circle of friends, to whom I am under the greatest obligations for innumerable acts of kindness and to whom I am attached by my many associations. Still there is that in the call of the Prussian government to which I cannot be insensible. I owe in common with every man something to the country of my birth, and if an opportunity is presented of being in any degree useful to it, I feel a very natural desire to contribute my share. In the call I have received that opportunity is presented. The Prussian government are about engaging in a most thorough and extensive reform upon a subject to which I have paid close attention for many years and upon which I have had the opportunity of attaining minute information viz: the penitentiary system and prison discipline generally. Were I permitted to visit Prussia, I might say, without egotism, that it would be in my power to make myself useful to the government in this respect; and it would be also not unlikely that I should be enabled from the experience I have had in this country to offer many valuable suggestions upon matters equally important. In this view I venture to ask leave of absence for the coming Collegiate year.¹³⁶

Law Systematization. Tellkamp was one of the fifteen original members of the Prison Association's Committee on Prison Discipline. That committee included the leaders in New York City of law systematization in New York. It included two of the three authors of the 1829 Revised Statutes of the recent past: Benjamin F. Butler and John Duer. From the present-day it included John O'Sullivan and Theodore Sedgwick, Jr., who were David Dudley Field's closest allies and still, as of then, not yet eclipsed by him. Sullivan, as already noted, had sponsored Field's first legislation in the State Assembly. Sedgwick was Field's law office partner. The Committee included two future judges who would espouse law systematization, Charles P. Daly¹³⁷ and the Association's founder, John W. Edmonds.¹³⁸ Field himself was not a member of the Association nor was John C. Spencer.

In 1845 proponents of constitutional amendments that would address debt and internal improvements, succeeded in getting the legislature to authorize a constitutional convention. The Constitution of 1846 that resulted

included two separate codification mandates: one to codify rules of practice and procedure, the other to codify substantive law. For more than forty years following these two constitutional mandates would be the basis for codification in New York. David Dudley Field, Jr. would eventually be in charge of each. For the moment, however, in 1845 and 1846, he was in the background as others brought the mandates into being. May 13, 1845, the legislature approved the law authorizing a constitutional convention; November 4, 1845, the voters overwhelmingly approving holding a convention.¹³⁹ June 1, 1846, the constitutional convention convened in Albany, where on October 9, 1846, it concluded its deliberations and proposed a constitution. November 3, 1846, the voters overwhelmingly approved the Constitution of 1846; it went into effect on January 1, 1847.¹⁴⁰

I have found no evidence that Tellkampff participated in these efforts although they surely must have excited his interest. By the time the constitution convention was underway he was occupied with renewing his prison investigation.¹⁴¹ He was abroad when it carried through its work. The commissions that resulted from its mandates did not come into being until 1847. The practice commission almost immediately bore fruit in new code of civil procedure in 1848, but the second commission went moribund and did not accomplish much until reinvigorated under Field in the latter years of the following decade. In 1875 Tellkampff reported that Field sent him copies of the draft codes and stated that he believed that his original articles in the *American Jurist* had helped bring about the two code commissions that Field came to chair.¹⁴²

Commercial Policy (Political Economy): Freeman Hunt's newly established *Merchants' Magazine and Commercial Register* was the focus of Tellkampff's work in commercial policy in New York City. Freeman Hunt is not identified by the histories of Young America as among the group, but perhaps he should be. Along with the two Tellkampff brothers, Hunt was one of the eight signatories of the circular of November 1844 calling for foundation of the Prison Association. *Hunt's Merchant's Magazine*—as it was most commonly known—reported on the commercial issues important to Young America and sometimes supported their positions.

Hunt's Merchant Magazine was progressive in its use of and reporting of statistics. It combined the practical and the theoretical. Biographical sketches of Tellkampff note his involvement with it. Besides possibly contributing news and intelligence for the journal, Tellkampff published six articles under his own name and most likely wrote a seventh of unidentified authorship. The first two appeared in 1842 when he was still at Union College and probably followed from his work with Professor Potter. They

were directed to monetary policy, which was a hot topic. Later articles focused on international commercial policy. Tellkamp was among the first authors to call to break the British transatlantic mail shipping monopoly. Later, in 1852 a proposal for federal involvement became a Young American issue before Congress.¹⁴³ Tellkamp's work on the mail monopoly may have helped him to develop contacts with German shipping and diplomatic leaders in America. In December 1844 Hunt published an article that most likely Tellkamp wrote: "Germany and the Commercial Treaty of Berlin."¹⁴⁴

Twenty years later, the successor to Hunt recalled Tellkamp's contributions to the *Merchants' Magazine* in the 1840s and printed a later work of Tellkamp, "Money and Banks." The editor prefaced it with a lengthy biographical footnote: "Professor J. L. Tellkamp is an economist of high standing, both in Europe and America. Some of our readers are, undoubtedly, acquainted with him personally. It will be remembered that he was in the country about eight years, and at that period contributed many valuable articles to the pages of the *Merchants' Magazine*, occupying at that same time important positions, first in the faculty in Union College, and subsequently filling the Gibbard [*sic*] German Professorship in Columbia College, New York city."¹⁴⁵

Tellkamp's Teaching Troubles at Columbia

As successful as was Tellkamp's professional sojourn in New York City, was disappointing his time teaching at Columbia College.

Columbia College was no Göttingen. It was no university. It was no Harvard Law School. It was no Union College. To Tellkamp it may have appeared to be a finishing school for the children of the privileged. That is pretty much how Columbia's 250th anniversary history describes the place in the years that Tellkamp was there.¹⁴⁶

In 1848, the year after Tellkamp resigned, Columbia College had 223 "pupils" in the grammar school and 130 "students" in the college.¹⁴⁷ The college students were divided in four classes from freshmen to seniors of thirty-five to thirty-one each. They were nearly all young boys, much younger than the twenty years of Tellkamp when he matriculated at Göttingen.

The 250th anniversary history reports that "Early Columbia College students operated in a buyer's market. . . . Only a studious few actively sought the approbation of their teachers. . . . Most students were more intent on winning the approbation of their classmates, which came quickest through defying their teachers." Things changed little at Columbia

from the 1780s to the Civil War.¹⁴⁸ Students lived at home. Each student's schedule was the same: four assigned classes one immediately after the other. All students in a given year took the same subjects at the same times with the same teachers. At school they recited. Only in the junior and senior classes were they likely to be expected to take notes of their teachers' lectures.¹⁴⁹ Not until the so-called "Gibbs Affair" 1852 did Columbia begin to take steps toward breaking out of the historic college mode.¹⁵⁰ It seems to have been among the last of the colonial colleges to do so. The old mode meant that Columbia was controlled by its Board of Trustees. Finally, Columbia was poor.

Tellkampff was doomed at Columbia from the start. Columbia had no place for a legal scientist. The view that "faculty should be encouraged, even expected, as part of their job to pursue scientific or literary studies beyond the levels that could expect to teach their undergraduates," would not come to Columbia until the 1850s.¹⁵¹ Such aspirations as there were, must have served only to mislead Tellkampff.

Tellkampff's standing at Columbia College could not have been more different than at Union College. Where Dr. Nott at Union was a strong president of decades' long standing, President Moore at Columbia was himself newly appointed and destined to last only a few years.¹⁵² Where President Nott had a board of trustees firmly in hand, President Moore had a board nearly as large as the entering class that was determined itself to run the school. Where on the Board of Trustees at Union, had Tellkampff needed help, he had his colleague John C. Spencer, Secretary of State, at Columbia he had the irascible Samuel B. Ruggles, one of Columbia's most active trustees¹⁵³ and, by 1844, Lieber's advocate. Where at Union College Tellkampff had in Reverend Potter an ally and supporter in political economy, at Columbia College he had no such ally; Potter's counterpart at Columbia, Reverend McVickar, another of the five "clerical political economists," had just been passed over for president and was showing his age in teaching.¹⁵⁴

Tellkampff might have gotten along well enough at Columbia College as teacher but unrecognized legal scientist, had the trustees not sentenced him to teach nothing but language courses (not even literature courses, it seems) in the rigid curriculum. Coincident with his appointment, the Board made German language instruction a mandatory subject for all four college years.¹⁵⁵

At Union College Tellkampff had taught a variety of courses in political science and history. Occasionally he taught a course in German literature or maybe even in German language. When he came to Columbia College he expected a similar package. Although the chair was formally in

“German Language and Literature,” it was commonly counted the “German Chair.” At Columbia and other colleges of the day there were no strict departmental lines and teaching could be across lines that today would not be crossed. Foreigners were, however, expected to teach their language, and even national customs. Danton, Tellkamp’s 1946 critic, quipped a Frenchman might be expected to teach dancing. The German language was, according to Danton, a sort of a “mythical entity.”¹⁵⁶

Some of Columbia’s trustees may have misled Tellkamp on what he was to teach. When Tellkamp learned in February 1844 what he was to teach he told the board that that some of them had encouraged him to think he could give “courses in ‘Greek or Roman Antiquities or in Civil Policy for some compensation.”¹⁵⁷ Ruggles privately had given candidate Lieber similar assurances.¹⁵⁸ Only on arrival did Tellkamp learn that “the Department of Antiquities had been disposed of.” He then offered to teach courses he had given at Göttingen and Union: “On the Philosophy and History of Law; on Roman Law and Antiquities and on the History and Philosophy of Government and Legislation.”¹⁵⁹ The Board of Trustees had none of it. According to the 250th anniversary history, “An elective system at Columbia made no headway because it made no financial sense to the trustees as long as enrollment remained low. It made no sense to the Columbia faculty either, or at least until years later when they saw themselves as “something more than teachers of undergraduates who happened to have been assigned to a particular subject area. . . .”¹⁶⁰

There was still worse news for Tellkamp on the teaching front. Columbia students in general are reported in the day to have had little place for studies and much for “boyish mischief.” Some were as young as fourteen or fifteen. December 2, 1844, the Board noted that: “He has trials to endure which a new Professor always meets with and to which a foreigner who speaks somewhat imperfectly our language is peculiarly exposed.”¹⁶¹ Little did Tellkamp know what awaited him the following fall: William Backhouse Astor, Jr., class of 1849 and presumably freshman in fall 1845.

One term of Astor’s freshman class¹⁶² was enough to lead Tellkamp to seek relief from the Board. In January 1846 he proposed a solution: “making the study of the German language a voluntary one in the Freshman Class . . . and to extend [the voluntary principle] to the other classes if farther experience and convenience permit it.”¹⁶³ This, Tellkamp, reported, had worked well at Union College, where it was usual, and at Columbia College, where he “yielded to the desire of a large number of students and at their request gave extra-recitations to voluntary classes of the Juniors and Seniors without charge. They were very attentive and diligent. . . .”¹⁶⁴ By then, however, it was too late.

William G. Astor, Jr., grandson of the richest man in America, Jacob B. Astor, would have none of it. When Tellkamp returned to teach in early 1847, the seventeen-year Astor brought daddy into the mix. William B. Astor, to be first or second richest man in America upon his father's death the following year, asked to have Junior excused from "further attendance on the German professor."¹⁶⁵ While wealth does not exclude the possibility that sixteen-year junior might have been in all respects a fine student, junior's subsequent life does not suggest that. When Junior died in 1892 he was remembered for spending most of his time on the world's largest yacht. In any case, who should be the Astor family lawyer, but Samuel B. Ruggles!¹⁶⁶ Although Columbia did not technically excuse Astor from attendance, it changed its curriculum so that in his junior and senior years German would be elective.¹⁶⁷ It was not the first time that Columbia College changed its curriculum to suit students.¹⁶⁸

April 18, 1847, Ruggles wrote his friend Lieber that Tellkamp had gone off to Prussia leaving his brother Theodore in charge of teaching the classes.¹⁶⁹ A month later Tellkamp, having met with the King of Prussia and having been assured of an appointment at the University of Breslau, wrote to the Board of Trustees of Columbia College tendering his resignation.

Tellkamp wrote that his reception at Berlin had answered his "most sanguine expectations." The King of Prussia had met with him and was involving him "in the deliberations of some departments of the cabinet." Tellkamp expected there to "participate in the affairs of the central government" and thus permit him to fulfill "a very natural desire on my part to render myself useful to the country of my birth." Thus he accepted the situation offered him by his native country and with "much reluctance" and "deep gratitude" decided to sever ties with Columbia and give up "the advantages and pleasures of a residence in America."¹⁷⁰

Through all his troubles at Columbia, Tellkamp never complained in public.¹⁷¹ Not everything at Columbia was bad for him. He may even have had a romantic interest. Marian Campbell Gouverneur, daughter of Columbia trustee John Campbell, remembered Tellkamp fondly. She told the story of a valentine sent to her by another Columbia professor that teased her about Tellkamp's interest: "Oh, list to me, my loved one, list! Thy Tellkamps suit no more resist, But give to him, to call his own, A heart where Kings might make their throne." John Louis Tellkamp, to whom Anthon so facetiously alludes in the second valentine, was a young German who frequently came to our house, and who, through my father's aid and influence, in subsequent years became professor of German in Columbia College. When we first knew him he spoke English with much

difficulty, and it was a standing joke in our household that once when he desired to say that a certain person had been born he expressed the fact as ‘getting alive.’”¹⁷²

Epilogue and Conclusion

In 1847 Tellkamp decided to stay in Prussia rather than return to Columbia College in New York. German-Americans later regretted the loss to America, but shared his conclusion that his talents were better appreciated in Germany than in the United States.¹⁷³

In Germany Tellkamp enjoyed a nearly thirty-year long career as both Professor of Government (*Staatsrecht*) at the University of Breslau and as representative to a series of German parliaments: the national Frankfurt Parliament of 1848/1849, the lower House of Prussia, the upper House of Prussia, and then the first two sessions of the national German *Reichstag* in the 1870s. When he died in 1876 he had recently taken Emeritus status at the University, but was still an active parliamentarian. His widow informed friends at Union College that both the celebration of his retirement and his funeral were well attended by luminaries of the day.¹⁷⁴

Tellkamp’s subsequent career in Germany was that of a German legal scientist: he combined the academic with political counseling. Already in the months just before March 1848, Tellkamp worked on a new constitution for Prussia for Frederick William IV. When the king did not take up his suggestions, he publicized them in a revolutionary pamphlet.¹⁷⁵ Tellkamp was elected to the Frankfurt Parliament and there served on the famous constitution committee that drafted a constitution for all of Germany. He constantly brought to his colleagues’ attention American approaches to the constitutional issues that faced Germany. Not all of his colleagues appreciated hearing about how the United States dealt with German issues. When the Frankfurt Parliament is criticized for having had too many idealistic academics, Tellkamp is among their numbers.¹⁷⁶

As a legal scientist, Tellkamp published much in Germany. The lion’s share of his work was in political economy, principally banking and international trade. He translated a leading English treatise on banking and was a leading representative of full metal backing of currency. Although he did not write specifically on the United States or on prison discipline, his earlier work in America finds reflection in many of his subsequent works, especially in works dealing with government organization. It is in those works, too, that one finds his prior work in systemization followed.

Tellkamp’s time in America informs us about development of academic disciplines in the United States. Tellkamp was a legal scientist.

He came from a faculty of law in Göttingen and went back to a faculty of law in Breslau. He devoted his life to developing better legal systems and rules. His better remembered contemporaries, Tocqueville and Lieber, on the other hand, are considered among the first political scientists.

Tocqueville was a tourist in America. He was here only nine months. He did not have to worry about an academic position. Lieber and Tellkamp, on the other hand, were permanent residents. They competed with each other in a market where there were no positions such as they would have liked. There were no universities; there was one law school, but it only had two or three professors, and was unsure of a commitment to legal science. In such a world, there was no place for either a legal or a political scientist. Tellkamp was able to return to a German university. Lieber would have liked to, but never had the opportunity. That Lieber was able to make for political science a place—in his time, however, small—is why he is remembered. Tellkamp, with no family in the United States, was not prepared to spend the thirty years wandering in the wilderness that Lieber had to spend.

Tellkamp, had he stayed in the United States, would have been as frustrated Lieber. Even before Tellkamp left, the college law school idea that seemed promising when he arrived in 1838, was again in doubt. Justice Story died in 1845 and Harvard fell into turmoil leaving no model law school. Not until the late 1850s did law schools finally begin to take hold. Only then, too, did Columbia College, and other American colleges, move in the direction of universities. Both developments, however, were still underway and not completed when Tellkamp died in 1876.

Even that world at the end of Tellkamp's life would not have had a place for him. In 1876 Harvard Law School was again preminent in teaching law. But its model in 1876, more than in 1838, was of a law school that taught aspiring private practitioners skills for litigation and not of a law faculty that systematized law. By century's end, over the objection of the first American Bar Association study of legal education, American law schools led by Harvard Law School had banished from their premises a normative science of law and government in the European sense. In 1914 the Carnegie Foundation, in its first study of legal education, pled for law schools to follow the European model, much as it had with great success in its first study of medical education. Law schools did not.¹⁷⁷

Would there have been a place for Tellkamp in the colleges of arts and sciences? Depending upon the university today one finds either a department of political science or of government. Presumably, Tellkamp would fit better in the latter rather than the former. But both lacked the practical connection to prescribing solutions that a European law faculty had.

Finally, one field of exploration that I see as promising, is a comparison of Tocqueville's description of America, on the one hand, with that of Tellkamp (and Lieber), on the other. Tocqueville is celebrated and even worshiped. Tocqueville's book, *Democracy in America*, is practically gospel. Tocqueville told a narrative that many today like to hear: lawyer supremacy and dispersal of authority. Tocqueville, with his background in the centralized French state, praised centrifugal forces. Tellkamp, with his background in centrifugal Germany, had a more critical view of the difficulties of guiding centrifugal interests. He was in the United States longer and was more invested in the country than Tocqueville. His work could provide a corrective to the popular views of Tocqueville.

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Notes

¹ Expanded version of a presentation, "J. L. Tellkamp: Transnational Jurist," given at the 39th Annual Symposium of the Society for German–American Studies at St. Louis, MO, April 10–12, 2015. A second paper also flowing from that presentation is "J. L. Tellkamp: Hazards of an Early Huboldtianer," forthcoming in *Festschrift für Keiichi Yamanaka zum 70. Geburtstag*, Jan C. Joerden & Kurt Schmoller, eds. (Berlin: Duncker & Humblot, 2017). (Printed materials that predate 1926 have been digitized and are as such available.)

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² J. Louis Tellkamp [*sic.*], "On Codification, or Systematizing of the Law," *Am. Jurist & Law Magazine* 26 (Oct. 1841): 113–44, (Jan. 1842): 283–329.

³ See Philip K. Howard, *The Rule of Nobody: Saving America from Dead Laws and Broken Government* (New York, 2014).

⁴ See James R. Maxeiner, "A Government of Laws Not of Precedents 1776–1876: The Google Challenge to Common Law Myth," *British J. of Am. Legal Studies* 4 (2015): 137; James R. Maxeiner, *Failures of American Lawmaking in Historical and Comparative Perspectives* (forthcoming Cambridge University Press, 2017).

⁵ The principal biographic encyclopedia entry is: Herman von Petersdorff, "Tellkamp, Johann Louis," *Allgemeine Deutsche Biographie* (1908) [Onlinefassung]; URL: <http://www.deutsche-biographie.de/pnd115501142.html>. It is the principal basis for information here on Tellkamp after his return to Germany in 1847.

⁶ Wallmoden unsuccessfully led the Hanoverian Army in the War of the First Coalition (1792–95) against revolutionary France. In 1799 he was made regent of Schaumburg-Lippe. When Napoleon's troops occupied Hanover in 1803, Wallmoden signed the Hanoverian capitulation. He ruled the little county until 1807 when the count, later prince, Georg Wilhelm (1784–1860), came of age. Bernhard von Poten, Wallmoden-Gimborn, Ludwig Graf von in: *Allgemeine Deutsche Biographie* (1896)

40:756–61. One might surmise that Johann Ludwig was named after his father's employer. The English connection may explain Tellkampff's knowledge of English.

⁷ *Staats- und Adresskalender für das Königreich Hannover auf das Jahr 1836*, 334.

⁸ Hermann Mayer, "Adolf Tellkampff und seine Schule," *Hannoversche Geschichtsblätter*, n.s., 6 (1952-1953): 365-86, transcription available at <http://www.ccwn.org/~rfsicher/hmayer.htm>. In 1834 he became founding director of a secondary school in Hanover that still exists and now bears his name: the *Tellkampff Gymnasium*.

Adolf wrote works in mathematics. In the last decade of his life, however, he produced a political work that proved a bestseller: *Die Franzosen in Deutschland* (1st ed., 1860) (*The French in Germany*). It went through three editions. It is a collection of materials on French absorption of Germany west of the Rhine River and of later French conquests to the east, including of Hanover.

⁹ "William Dwight Sedgwick," in *Harvard Memorial Biographies* 1 (1867): 167, 169.

¹⁰ See Aldemaro Romero, "The Life and Work of a Little Known Biospeleologist: Theodor Tellkampff," *J. Spelean Hist.* 36 (2002): 68; H. A. Rattermann, "Die Brüder Tellkampff," *Der Deutsche Pionier: Erinnerungen aus dem Pionier-Leben der Deutschen in Amerika* 16, 1 (Cincinnati, April 1884).

¹¹ Dr. Oesterley, *Geschichte der Universität Göttinger in dem Zeitraum vom Jahre 1820 bis zu ihrer ersten Säcularfeier im Jahre 1837* (1838), 486.

¹² Letter To His Father, February 27, 1829, *Life of Henry Wadsworth Longfellow with Extracts from His Journals and Correspondence*, ed. Samuel Longfellow (1886) 1:167.

¹³ *A Catalogue of the Officers and Students of Harvard University for the Academic Year 1828-9* (1828), 22.

¹⁴ Richard Hofstadter & Walter P. Metzger, *The Development of Academic Freedom in the United States* (New York: Columbia University Press, 1955), 222-38 ("The Old College System").

¹⁵ Wilhelm Bleek, *Geschichte der Politikwissenschaft in Deutschland* (Munich 2001), 178 ("drillmäßig gepaukt und abgefragt, von einem wissenschaftlichen Studium konnte kaum die Rede sein"). In fairness, it wasn't all studies in Göttingen either. The university's most famous student of the time was Otto von Bismarck, who was known not for the sophistication of his academic work, but for his skills in dueling.

¹⁶ See *Chronik der Georg-Augusts-Universität zu Göttingen für das Rechnungsjahr 1889–90 Mit Rückblicken auf frühere Jahrzehnte 1837-1890* (1890). In 1837 the law faculty totaled twenty-one, of which number, eleven had been teaching since 1828. *Ibid.* at 19, 124-25. It gives only average numbers by decades. From 1821 to 1830 the average number of students totaled 1407 of which 685 were in law. Of all students enrolled, on average 711 came from Hanover and 696 outside Hanover. The following decade experienced a 40% decline in enrollment. *Ibid.* at 133. In 1831 one survey of all American law schools of all types counted only six faculty and 127 students. "United States, Professional Schools," *The Edinburgh Encyclopaedia, . . . Conducted by David Brewster . . . The First American Edition, Corrected and Improved by the addition of numerous articles relative to the Institutions of the American Continent* (1832), 18:229, 860.

¹⁷ Daniel Bussey Shumway, "The American Students of the University of Göttingen," *German American Annals* 12 (1910): 171. Through to 1910 nearly 1200 Americans enrolled. *Ibid.* at 186. See Paul G. Buchloh, *American Colony of Göttingen: Historical and other Data collected between the years 1855 and 1888 edited with foreword and commentary* (1976).

¹⁸ Tellkamp might have attended the two classes on law and history that Longfellow did in spring 1829, but it seems unlikely that they met there, for in relating their meeting in Maine in 1838 Longfellow makes no mention of a prior acquaintanceship.

¹⁹ Letter of February 27, 1829, 166.

²⁰ Letter of March 28, 1829 to his sister Elizabeth, 168.

²¹ Letter of June 18, 1829 to George W. Greene, 173.

²² See “Johann Louis Tellkamp: Professor der Staatswissenschaften und Mitglied des preußischen Herrenhauses,” in *Unsere Zeit: Jahrbuch zum Conversations-Lexikon* (1864), 8:713-16. This article has the feel of a subject-provided biographical sketch.

Tellkamp provided the University of Breslau with a short biographical sketch as well. Before the Second World War the text was obtained, translated, and printed in George H. Danton, “A Smart Flippant Little Fellow . . .” Johann Ludwig Tellkamp, *New York History* 44 (1946): 458, 458-60. Union College Archives has the original letter in German.

²³ The original printed in Tellkamp’s book reads: “Der Gesetzgeber allein bearbeitet einen selbstthätigen widerstrebenden Stoff – die menschliche Freiheit. Nur unvollkommen kann er das Ideal in Erfüllung bringen, das er in seinem Gehirne noch so rein entworfen hat, aber hier ist der Versuch allein schon alles Lobes werth, wenn er mit uneigennützigem Wohlwollen unternommen, und mit Zweckmäßigkeit vollendet wird.” It is from Friedrich Schiller, “Die Gesetzgebung des Lykurgus und Salon,” from *Thalia* 3, 11 (1790): 30, 51-52, reprinted *Sämtliche Werke* (1828), 16:93, 114. He concluded his *American Jurist* article with a still more extended translation of Schiller’s quotation. The translation here is mine with borrowings from Tellkamp’s.

²⁴ See C. F. A. Mittermaier, “Ueber den gegenwärtigen Zustand des Gefängnißwesens in Europa und Nordamerika . . .” *Archiv des Criminalrechts, Neue Folge*, 1843:289, 332-34. See also J. L. Tellkamp, “Die Vollstreckung der Strafen durch getrennte Gefangenschaft in England, Nordamerika und Frankreich. Ein Reisebericht,” *Kritische Zeitschrift für Rechtswissenschaft und Gesetzgebung des Auslandes* 21 (1849).

²⁵ Dr. med. (New York) Tellkamp, “Ergebniss der Erfahrungen über die nordamerikanischen Gefängnißsystem mit Beziehung auf den Zweck der Strafe,” *Kritische Zeitschrift für Rechtswissenschaft und Gesetzgebung des Auslandes* 23 (1851): 256-79, 455-79; 24 (1852): 87-99. Thanks to Mittermaier’s involvement, Theodore Tellkamp’s article was published in Swedish as well. Dr. med. (New York) Tellkamp, “Nordamerikanska fängelseystemet, enligt erfarenheternas resultat, med afseende på straffets, ändamål pröfvadt,” *Juridiska Föreningens Tidskrift*, vol. 4 (1852), 81-128. See Kjell Åke Modéer, “Carl Schmidt und die ersten juristischen Fachzeitschriften in Schweden,” *Juridica International*, 1, 17 (2010): 40, 43.

²⁶ Claudia Schnurmann, *Brückenaus Papier, Atlantischer Wissenstransfer in dem Briefnetzwerk des deutsch-amerikanischen Ehepaars Francis und Mathilde Lieber, 1827-1872* (Berlin, 2014), 339-53 (“4.2.2. Mittermaier und atlantischer Austausch über juristisches Wissen, 1832-1844”).

²⁷ M.H. Hoeflich, “Transatlantic Friendships & The German Influence on American Law in the First Half of the Nineteenth Century,” *Am J. Comparative L.* 35 (1987), 599.

²⁸ See “Der überforderte Liberalismus 1830-1850,” Chapter 3 of Heinrich August Winkler, *Der Lange Weg nach Westen, Deutsche Geschichte vom Ende des Alten Reiches bis zum Untergang der Weimarer Republik* (2000), 79.

²⁹ In 2012 the German Postal Service issued a postage stamp that commemorated its 175th anniversary.

³⁰ William Maude, "Life of Humboldt," in Alexander von Humboldt, *The Fluctuations of Gold* (William Maude, Translator) (New York, 1900), 18.

³¹ E.g., Rattermann, "Die Brüder Tellkampf," 3, 4 ("Eine ihm sofort von der Preußischen Regierung angebotene Professur an einer der Landesuniversitäten, lehnte er mit dem Bemerkten ab, daß er sich entschlossen habe, vorerst eine wissenschaftliche Reise nach England, Frankreich und Nordamerika zu machen, um die dortiger Rechtspflege nach eigener Anschauung zu studieren.")

³² Another German American, Körner wrote "Obgleich die preußische Regierung ihn eingeladen hatte, sich auf einer Ihrer Universitäten als Lehrer niederzulassen, zog Tellkampf es vor, wissenschaftliche Reisen zu machen." Gustav Körner, *Das deutsche Element in den Vereinigten Staaten von Nordamerika, 1818-1848* (Cincinnati: Verlag A. E. Wilde & Co., 1880) 118. The possibly self-written portrait in *Unsere Zeit* in 1864 reported "Der preußische Cultusminister von Altenstein gestattete ihm in einem Schreiben vom 6. Mär 1838, sich auf einer der preußischen Universitäten als Privatdozent für die Statwissenschaften zu habilitieren. Tellkampf behielt sich jedoch die Benutzung dieser Erlaubniß für spätere Zeit vor, indem er sich zu einer wissenschaftlichen Reise nach Nordamerika entschlossen hatte." *Ibid.*, 713.

³³ Herman von Petersdorff, "Tellkampf, Johann Louis," *Allgemeine Deutsche Biographie* (1908) [Onlinefassung]; URL: <http://www.deutsche-biographie.de/pnd115501142.html> ("Er fand in Alexander v. Humboldt einen Beschützer, der es veranlaßte, daß er zu wissenschaftlichem Studium nach den Vereinigten Staaten von Amerika ging.")

³⁴ *Die Brüder Tellkampf*, 3, 4 ("eine wissenschaftliche Reise nach England, Frankreich und Nordamerika zu machen, um die dortiger Rechtspflege nach eigener Anschauung zu studieren.")

³⁵ Alexander von Humboldt, *The Fluctuations of Gold* (William Maude, Translator) (New York, 1900), 18. See also "Translator's Preface," 5 ("The four great æramaking books on the subject of the Precious Metals were those of William Jacob, 1831, Baron Alex, von Humboldt, 1838, Michel Chevalier, 1857, and Alex. Del Mar, 1880 and (2d ed.) 1900.")

³⁶ Susan W. Selfridge, "Bismarck in His Home, *Outlook* 60, 1 (Sept. 3, 1898): 31, 36.

³⁷ Danton, 459.

³⁸ *Gemeinnützige Blätter zur Belehrung und Unterhaltung: als gleichzeitige Begleiter der vereinigten Ofner und Pester Zeitung von Christoph Rösler* 33 (1843): 286 (based on a report from a New York City German newspaper).

³⁹ Körner, 120.

⁴⁰ *Report of the Commissioners Appointed to Consider and Report on the Practicability and Expediency of Reducing to a Written and Systematic Code the Common Law of Massachusetts or Any Part Thereof* (1837).

⁴¹ *Inaugural Addresses, Delivered by the Professors of Law, in the University of the City of New-York, at the Opening of the Law School of that Institution* (1838). Butler left office as Attorney General and later that year (that day?) became United States Attorney for the Southern District of New York, which might have been more demanding time wise.

⁴² See Maxwell Bloomfield, "David Hoffman and the Shaping of a Republican Legal Culture," *Maryland L. Rev.* 38 (1979): 673.

⁴³ See Josiah Quincy, *An Address delivered at the Dedication of Dane Law College in Harvard University, October 23, 1832* (1832), 6; Simon Greenleaf, *A Discourse Pronounced at the Inauguration of the Author as Royall Professor of Law in Harvard University, August 26, 1834* (1834), 14.

⁴⁴ Benjamin F. Butler, *Plan for the Organization of a Law Faculty and for a System of Instruction in Legal Science in the University of the City of New-York* (1835).

⁴⁵ M. H. Hoeflich, "Transatlantic Friendships & the German Influence on American Law in the First Half of the Nineteenth Century," *Am. J. Comp. L.* 35 (1987): 599, 603.

⁴⁶ Longfellow was looking for a native speaker and found one in Bernard Rölker, who remained at Harvard 18 years and who became of member of the bar in Massachusetts. Tellkamp may not have been interested in such a position.

⁴⁷ Henry Wadsworth Longfellow to George Stillman Hillard, August 16, 1838, *The Letters of Henry Wadsworth Longfellow*, vol. 2, 1837-1843 (Andrew Hilen Longfellow, ed., 1967), 96-97 (Letter 438).

⁴⁸ Beck, Charles Follen and Francis Lieber were all three German scholars at Harvard in those years who in Cambridge got as much credit for promoting gymnastics as scholarship. See Fred Eugene Leonard, *A Guide to the History of Physical Education* (1923), 227-50.

⁴⁹ Henry W. Longfellow to Stephen Longfellow, Sept. 2, 1838, *supra* note 47, 100, 101 (Letter 440). The news of Tellkamp's plans was sufficiently in Longfellow's mind that he reported it again in his next week's letter to his father. Letter of September 11, 1838, 102 (letter no. 441).

⁵⁰ 188 (letter no. 504). The same letter is printed in *Life of Henry Wadsworth Longfellow: With Extracts from His Journals and Correspondence*, 1:346-47 (Samuel Longfellow, ed. 1886).

⁵¹ *Ibid.*

⁵² *Life of Henry Wadsworth Longfellow: With Extracts from His Journals and Correspondence*, 1:347 (Samuel Longfellow, ed. 1886).

⁵³ Entry for September 24, 1838, *The Diary of Jonathan Pearson, Edited with an Introduction and Notes by Harold C. Martin* (2004), 1:608.

⁵⁴ At the time Harvard paid Longfellow \$2000 a year and his language instructors \$500 a year). Bowdoin College had paid Longfellow \$1000 a year.

⁵⁵ Codman Hislop, *Eliphalet Nott* (1971) 398-399. There still were no universities in a Continental sense. Union was one of the "big three" of American colleges in enrollment: with 315 students it was ahead of Harvard at 216 and behind only Yale at 411.

⁵⁶ *Ibid.*, 399-400.

⁵⁷ *Ibid.*, 401.

⁵⁸ In the 1840s Spencer became United States Secretary of War and then Secretary of Treasury. In the 1860s Seward became United States Secretary of State. When he was wounded by John Wilkes Booth in the assassination of Lincoln in 1865, Tellkamp appended to the official Prussian Condolence Note to the United States a note to Secretary Seward.

⁵⁹ "Proposed Law School, at Hamilton College," *Am. Jurist & Law Magazine* 13 (1835): 486-90.

⁶⁰ See, e.g., John C. Spencer, *Argument in defence of the Rev. Eliphalet Nott, D. D., president of Union college, and in answer to the charges made against him by Levinus Vanderheyden and James W. Beekman; presented before the Committee of the Senate, appointed to investigate certain pecuniary affairs of Union college* (Albany: C. Van Benthuysen, 1853).

⁶¹ Stewart Davenport, *Friends of the Unrighteous Mammon: Northern Christians and Market Capitalism, 1815-1860* (2008), 36 (speaking of the "clerical school of political economy" as including John McVickar, Henry Vethke, Alonzo Potter, Francis Wayland, and Francis Bowen).

⁶² Codman Hislop, *Eliphalet Nott* (1971) 398-400. Nott had never been interested in books; but, according to his biographer, wanted “his university to be a place for students of Natural Law, for men of action seeking through the sciences ways of releasing their fellow men from a physical and spiritual degradation forced on them by the cardinal sin of ignorance.”

⁶³ Danton, Tellkamp’s critic, would have found the former and conveniently overlooks the latter.

⁶⁴ Alonzo Potter, *Political Economy: Its Objects, Uses, and Principles: Considered with Reference to the Condition of the American People. With a Summary, for the Use of Students* (New York, Harper & Brothers: 1840) (vii): “The editor takes this opportunity of acknowledging his obligations, while preparing this volume, to a learned and valued friend, Professor Tellkamp, late of the University of Gottingen, but now of Union College. Besides many valuable suggestions, this gentleman has contributed an essay of Currency and Banking which will be inserted in a future volume.” Additional printings appeared in 1841, 1842, 1844, 1852, 1855 and 1859.

⁶⁵ *The School and the Schoolmaster: A Manual for the Use of Teacher, Employers, Trustees, Inspectors, &c., &c., of Common Schools, In Two Parts. Part I. by Alonzo Potter. Part II. By George B. Emerson.* (Harper & Brothers, 1842, 1843, 1846, 1858, 1873). Although the book makes no mention of a contribution by Tellkamp, Heinrich Armin Rattermann describes Tellkamp as a *Mit-Autor* (co-author). H.A. Rattermann, “Die Brüder Tellkampf,” *Der Deutsche Pionier: Erinnerungen aus dem Pionier-Leben der Deutschen in Amerika* 16, 1 (Cincinnati, April 1, 1884): 3, 4.

⁶⁶ Alonzo Potter, *Handbook for readers and students intended as a help to individuals, associations, school districts and seminaries of learning, in the selection of works for reading, investigation, or professional study* (Harper & Bros. 1843, 1845, 1847, 1855, 1858, 1863, 1870). At page 59 “Note.—Finding it impossible to transfer the whole of Professor Greenleaf’s valuable course to these pages, the compiler has availed himself of the aid of a professional friend in digesting from it an abridgment. . . .”

⁶⁷ Entry for May 20, 1840, *The Diary of Jonathan Pearson, Edited with an Introduction and Notes by Harold C. Martin* (2004), 1:612.

⁶⁸ Claudia Schnurmann, *Brücken aus Papier, Atlantischer Wissenstransfer in dem Briefnetzwerk des deutsch-amerikanischen Ehepaars Francis und Mathilde Lieber, 1827-1872* (Berlin, 2014), 410 (reporting the meeting).

⁶⁹ Francis Lieber, *Essays on Property and Labour as Connected with Natural Law and the Constitution of Society* (1841).

⁷⁰ Frank Friedel, *Francis Lieber: Nineteenth-Century Liberal* 196 (1947). There were also printings in 1854, 1856 and 1859.

⁷¹ A. Spencer to Prof. Tellkamp, January 31, 1843, printed in J. L. Tellkamp, *Essays on Law Reform, Commercial Policy, Banks, Penitentiaries, etc. in Great Britain and the United States of America* (Berlin: Puttkammer & Mühlentbrecht, 1875), xix (“it appears to be a masterly production, evincing great ingenuity and powerful reasoning. In fact I think it conclusively proves the great benefits of a codification of other laws of every enlightened nation or state.”)

⁷² “The Currency. Method for Correcting the Currency Without the Aid of a United States Bank,” *The Merchants’ Magazine and Commercial Review Conducted by Freeman Hunt* 6 (1842): 65-71; “The Currency. On a Government Paper, and on the connection existing between the Paper Money System and the Tariff,” *The Merchants’ Magazine and Commercial Review Conducted by Freeman Hunt* 6 (1842): 164-69.

⁷³ J. J. [sic] Tellkamp, “Remarks on Prison Discipline in the United States. [Suggested by the Chapter of Philadelphia and Its Solitary Prison in the ‘American Notes’ of Charles Dickens],” *The New World: A Weekly Family Journal of Popular Litera-*

ture, *Science, Art and News* 6 (Park Benjamin, ed., 1843) (January 21, 1843): 67-70. Nominally only three pages, it packs about 5000 words of small type in double columns into those three pages.

⁷⁴ Schenectady was the western terminus of the second passenger railroad line in the United States with scheduled service. The line ran to the state capital, Albany, fewer than twenty miles to the east. See Timothy Starr, *Early Railroad's of New York's Capital District* (2013). Albany was the 9th largest city in the United States. In 1841 a rail line from Albany to Boston opened. Albany was the center of coach traffic in the state and had river steamer service to New York City. The Erie Canal, which connected Albany and Schenectady, was the principal northerly route to the American West. Entry for Wednesday, December 22, 1841, *The Diary of Jonathan Pearson. Edited with an Introduction and Notes by Harold C. Martin*, 2 vols. (Schenectady: Union College Press, 2004), 1:665.

⁷⁵ See J. Louis Tellkamp & Theodor Tellkamp, *Über die Besserungsgefängnisse in Nordamerika und England* (Berlin: Rucker & Püchler, 1844).

⁷⁶ Timothy Walker, a student of Justice Story's and author of the best and most widely sold students' one volume introduction to American law, had opened one of the most successful of American law schools. Whether Tellkamp met with Walker I do not know.

⁷⁷ *Merchants' Magazine*, 6:71.

⁷⁸ J. L. Tellkamp [Paper], *First Report of the Prison Association of New York. December, 1844* (New York: 1845), 39.

⁷⁹ Even Danton, Tellkamp's cruelest critic in the United States, grants him that. Quoting from Tellkamp's comments in *Merchants' Magazine*, Danton adds: "This seems to show another significant point in his attitudes: as a foreigner and as a scrupulous observer of the proper forms, an observance based on his training in Germany, Tellkamp refrained from any interference in American political controversies. . . . One gets the feeling that Tellkamp was a person of distinct tact, with a nice sense of the proper balance to be maintained." Danton, 467.

⁸⁰ *Encyclopedia of Union College History Compiled and Edited by Wayne Somers* (Schenectady: Union College Press, 2003), based on the following entries: "Economics Department" by Bradley G. Lewis, 244, 244-245; "German" [by Wayne Somers] 336; "History Department," by Manfred Jones, 384, 385; "Modern Languages and Literature Department," by Anton Warde, 489, 490; "Political Science Department," James E. Underwood & Charles M. Tidmarch, 561, 562.

⁸¹ *The Diary of Jonathan Pearson. Edited with an Introduction and Notes by Harold C. Martin*, 2 vols. (Schenectady: Union College Press, 2004).

⁸² Entry for Monday, September 24, 1838. Diary vol. 1, 608. Pearson is using flip-pant in the 19th century U.S. sense now archaic, of glib, talkative or valuable, and not in today's sense of lacking proper respect or seriousness.

⁸³ Entry for Monday, May 16, 1842. Diary, vol. 1, 687. Pearson doubted that they would find a publisher.

⁸⁴ Entry for Friday, March 4, 1842, Diary vol. 1, 680. The editor of Pearson's diary warns readers of Pearson's "tendency to exaggerate, to see black where only gray existed." Harold C. Martin, "Pearson, Jonathan," *Encyclopedia of Union College History*, 538, 539. Nevertheless, a latter day professor of modern languages at Union College writing in 1946 inexplicably took this one negative comment as conclusive evidence that "Pearson thought little of his colleague as a teacher," Danton, 466. Wayne Somers, editor and compiler of the *Encyclopedia of Union College*, to the contrary, thinks Pearson "clearly liked" him. "Johann Ludwig Tellkamp," 718. Danton's article is useful for its documents, some of which includes records that may have been lost

in the Second World War, but it is an unfair and unproven indictment of Tellkampff. Danton wished Tellkampff had been a literary critic that Tellkampff had no intention of being. Danton dismissed Tellkampff's interest for "law, prison reform and for the currency, important enough in themselves, [as] not part of the throbbing life around him." Danton at 473. Danton's self-revealing criticism: "it is more than likely . . . that he had read little or nothing of Grillparzer"[!]. Danton at 464. Why so damning to value Schiller over Grillparzer? Danton translated Grillparzer. See "George Henry Danton," *Encyclopedia of Union College History*, 214, 215 (describing Danton as "A rather gruff, heavy-set, punctilious man who gave the impression of vanity and seemed to be ready with an opinion of every subject and a pun on any word, [and when subject to a practical joke] could be relied upon to react with outrage.").

⁸⁵ So much did the encounter fester that Pearson addressed it in two succeeding entries, quoting Potter in the second. Entry for January 20, 1842 and Entry for January 21, 1842, *Pearson Diary*, 1:672.

⁸⁶ Entry for Friday, March 4, 1842, *Pearson Diary*, 1:680. Pearson seems to have been unaware of Tellkampff's scholarship. See, e.g., Entry for Monday, October 3, 1842 (the faculty has "but one book-maker"; and Pearson made this entry only a few days after a pleasurable walk with Tellkampff.)

⁸⁷ Entry for September 30, 1842.

⁸⁸ Danton, 462.

⁸⁹ *Unsere Zeit*, 714.

⁹⁰ *Memoirs of John Adams Dix Compiled by His Son Morgan Dix* (New York: Harper & Brothers, 1883), 1:169.

⁹¹ Nathaniel Bartlett Sylvester, *History of Rensselaer Co., New York* (Philadelphia: Everts & Peck, 1880), 186. He was not the first German academic to take on this task. See Ken Gewertz, "Professor Brought Christmas Tree to New England: 200th Anniversary of Charles Follen's birth marked this year," in: *Harvard University Gazette* (December 12, 1996).

⁹² N.F. Moore, *An Historical Sketch of Columbia College in the City of New York* 100 (New York: Columbia College, 1846).

⁹³ The fullest report that I found is "Errichtung eines Lehrstuhls für deutsche Literatur in New-York." *Gemeinnützige Blätter zur Belehrung und Unterhaltung: als gleichzeitige Begleiter der vereinigten Ofner und Pester Zeitung von Christoph Rösler* 33 (1843): 286. I easily found three others.

⁹⁴ Joseph Dorfman, *The Economic Mind in American Civilization 1606-1865*, vol. 2, (1946) 833, xvi n. 10, citing Letter from Seward to Ruggles, April 9, 1843, in Seward Papers, Library of Congress. Seward referred to himself as a "Pupil of Nott" in his written contribution to the Semi-Centennial Celebration. Nott at 422.

⁹⁵ *The First Semi-Centennial Anniversary of Union College. Celebrated July 22, 1845* (Albany: W.C. Little & Co., 1845), 122-23.

⁹⁶ Johann George Wesselhöst's letters, manuscript page 159, cited after Gustav Körner, *Das deutsche Element in den Vereinigten Staaten von Nordamerika, 1818-1848* (Cincinnati: Verlag von A.E. Wilde & Co., 1880), 118 ("Hier wirkte er bis zum Jahre 1843 und mit großem Erfolge. Viele Professoren sowie Schüler ließen sich von ihm in der deutschen Sprache und Literatur unterrichten, und er selbst sprach sich mit lebhafter Zufriedenheit über den Eifer aus, mit dem diese die Sprache und Literatur des deutschen Volkes studirten.").

⁹⁷ J. J. [sic] Tellkampff, "Remarks on Prison Discipline in the United States. [Suggested by the Chapter of Philadelphia and Its Solitary Prison in the 'American Notes' of Charles Dickens]," *The New World: A Weekly Family Journal of Popular Litera-*

ture, *Science, Art and News* 6 (Park Benjamin, ed., 1843) (January 21, 1843): 67-70. Nominally only three pages, the article is about 5000 words long.

⁹⁸ Tellkamp, “über die Mittheilungswege der Gefangenen unter einander und über deren Gesundheitszustand in den pennsylvanischen Gefängenhäusern Amerika’s” in: *Jahrbücher der Gefängniskunde und Verbesserungsanstalten* 2 (Nik. Heinrich Julius, Friedr. Röllner & Georg Varrentrapp, eds., 1843): 1-33.

⁹⁹ C. F. A. Mittermaier, “Ueber den gegenwärtigen Zustand des Gefängnißwesens in Europa und Nordamerika, über das Ergebnis der Erfahrungen und über die Forderungen, welche an den Gesetzgeber in Bezug auf die Strafanstalten gestellt werden können,” *Archiv des Criminalrechts, Neue Folge, Jahrgang 1843* (Drittes Stück): 289, 290-92 (this “gründlichen als verdienstvollen ungedruckten Arbeit”).

¹⁰⁰ Tellkamp, *Essays*, 2nd ed. at xxvii-xxviii (Telekamp’s translation with the German original).

¹⁰¹ *Ibid.*

¹⁰² Yonatan Eyal, *The Young America Movement and the Transformation of the Democratic Party, 1828-1861* (New York: Cambridge Univ. Press, 2007), 3. See Edward L. Widmer, *Young America: The Flowering of Democracy in New York City* (New York: Oxford Univ. Press, 1999); Robert D. Sampson, *John L. O’Sullivan and His Times* (Kent OH: Kent State Univ. Press, 2003). Comp. Robert E. Riegel, *Young America 1830-1840* (Norman OK: Oklahoma Univ. Press, 1949).

¹⁰³ Eyal, 94. See (with further citations), Karma Nabulsi, “Patriotism and Internationalism in the ‘Oath of Allegiance’ to Young Europe,” *European J. of Political Theory* 5 (2006): 61.

¹⁰⁴ Quoted in Eyal, 222.

¹⁰⁵ “O’Sullivan’s reform efforts spanned women’s rights, temperance, labor organization, prison regulation, the abolition of capital punishment and other forms of violence, pacifism, primary education, and spiritualism.” Eyal, 157.

¹⁰⁶ Widmer, 11.

¹⁰⁷ Widmer, 62.

¹⁰⁸ Benjamin F. Butler, studied law under in Hudson NY and was law partner of Martin van Buren; instrumental in founding New York University in 1831 and sought to establish a law school there; was Attorney General of the United States 1833-1838, United States Attorney for the Southern District of New York, 1838-1841, 1845-1848; and was father of William Allen Butler, president of the American Bar Association 1886.

¹⁰⁹ Claudia Schnurmann, *Brücken aus Papier, Atlantischer Wissenstransfer in dem Briefnetzwerk des deutsch-amerikanischen Ehepaars Francis und Mathilde Lieber, 1827- 1872*, 410.

¹¹⁰ Friedel 209 (with citations to correspondence). Some of the letters cited are reprinted in Chester Squire Phinney, *Francis Lieber’s Influence on American Thought and Some of His Unpublished Letters* (1918). These include Lieber’s initial letter of interest to Ruggles of May 19, 1842. *Ibid.* at 64-65.

¹¹¹ Letter from Samuel Ruggles to Francis Lieber, January 31, 1843, Huntington Library, as reprinted in Danton, 466, n. 9.

¹¹² *Ibid.*

¹¹³ J. Dorfman and R. G. Tugwell, “Francis Lieber: German Scholar in America,” Part II, *Columbia University Quarterly* 30 (1938): 267, 268.

¹¹⁴ Friedel 209. The dates on the letter cited are all pre-appointment.

¹¹⁵ Friedel 210-12. Friedel titled his chapter “Escape Fails.”

¹¹⁶ Francis Lieber, “[Notes of] Conversation with the King, Entry of 23 July 1844,” in *Like a Sponge Thrown into Water, Francis Lieber’s European Travel Journal of 1844-1845, edited with an introduction and commentary by Charles R. Mack and*

Ilona S. Mack (Columbia SC: University of South Carolina Press, 2002), 107, 109 (in German, translated at 48-52).

¹¹⁷ Oswald Schütte, "Franz Lieber und Alexander von Humboldt," *Franz Lieber und die deutsch-amerikanischen Beziehungen im 19. Jahrhundert*, Peter Schaeffer and Karl Schmitt, eds. (Weimar: Böhlau Verlag, 1993), 121, 130.

¹¹⁸ Claudia Schnurmann, *Brücken aus Papier, Atlantischer Wissenstransfer in dem Briefnetzwerk des deutsch-amerikanischen Ehepaars Francis und Mathilde Lieber, 1827-1872*, 411, n. 1604.

¹¹⁹ To A. de Tocqueville, Hamburg, November 26, 1844, in *The Life and Letters of Francis Lieber* (edited by Thomas Sergeant Perry, Boston, 1882). Lieber visited Tocqueville in Paris on his way to Berlin. It was only the second time that they met. Ludgar Kühnhardt, "Zwei Transatlantiker. Bezüge und Beziehungen zwischen Alexis de Tocqueville und Franz Lieber," *Franz Lieber und die deutsch-amerikanischen Beziehungen im 19. Jahrhundert*, Peter Schaeffer and Karl Schmitt, eds. (Weimar: Böhlau Verlag, 1993), 135, 138.

¹²⁰ Schnurmann, 409-10.

¹²¹ *An Historical Sketch of Columbia College in the City of New York* (New York, Columbia College, 1876), 79 ("A handsome collection of German books was added in 1843 to the College Library by the liberality of Professor Tellkamp, who selected them with great care in Germany.")

¹²² In his preface to the second edition of his English language book of essays Tellkamp speaks of "practical interest" and "subjects of practical importance." xvii, xviii.

¹²³ Several connections are found in published materials: (1) political connection with women's rights: Tellkamp joined with Poe on the stage of the 1845 commencement exercises of the Rutgers Female Institute. J. H. Whitty, "Memoir," in *The Complete Poems of Edgar Allan Poe* (Whitty, ed.) (Boston & Houghton Mifflin CO., 1911) xlx. (2) literary and international: the December 20, 1845 issue of Poe's magazine *Broadway Journal* included a paper apparently by Tellkamp's brother, Theodore, "On the Poetical Literature of Germany." Poe termed it "deeply interesting" and attributed it to "Professor T.L. Tellkamp of Columbia College, in this city—brother of the celebrated German poet Adolphus Tellkamp," evidently confusing two Tellkamp brothers. Edgar Allan Poe, *Broadway Journal*, December 27, 1845, vol. 2, 391, as reprinted in *The Collected Writings of Edgar Allan Poe, vol. III: Broadway Journal (Text)* (1986) and available at <http://www.eapoe.org/works/pollin/brp30206.htm> (last visited January 23, 2016). (3) economic policy: see Heinz Tschachler, *The Monetary Imagination of Edgar Allan Poe: Banking, Currency and Politics in the Writings* (Jefferson NC: McFarland & Co., 2013) 159, 199, n. 99.

¹²⁴ Arthur Buddens, "Besserungsanstalten," *Deutsche Monatsschrift für Literatur und öffentliches Leben* (Karl Biedermann, ed.), 6 (1844 vol. 2, Oct. 1844): 366 ("Fast die einzige völlig neue Theorie in einer Wissenschaft, welche das alte Europa die jungen, neuen Welt der Freiheit, Nordamerika, verdankt, ist die Aufstellung wirksamer Buß- und Besserungssysteme in Gefängnißwesen.")

¹²⁵ See, e.g., Varrentrapp, "Kritische Anzeige, *Jahrbücher der Gefängniskunde und Besserungsanstalten*, 5 (1844): 109-50.

¹²⁶ See, e.g., C. Welcker, *Besserungsanstalten*, *Das Staats-Lexikon. Encyclopädie der sämtlichen Staatswissenschaften* (Carl von Rotteck & Carl Welcker, eds., revised ed., 1846), 2:406-51 (critical remarks on Tellkamp at 425n.); Joseph von Würth, *Die neuesten Fortschritte des Gefängnißwesens in Frankreich, England, Schottland, Belgien und der Schweiz* (1844), 304 n. (noting appearance of Tellkamp's book).

¹²⁷ M. J. Heale, "The Formative Years of the New York Prison Association, 1844-1862. A Case Study in Antebellum Reform," *The New-York Historical Society Quarterly* 59 (Oct. 1975): 320, 327-28.

¹²⁸ *First Report of the Prison Association of New York. December, 1844* (1845). Although the official report says that Tellkamp read his paper (at 39), a contemporary review says that he only submitted it for the record. "Professor Tellkamp's Essay presented at the late New York Meeting," *The Pennsylvania Journal of Prison Discipline and Philanthropy* 1 (1845): 163-70. The *Journal* asserts that Tellkamp in his paper misrepresented the separate Pennsylvania system.

¹²⁹ J. L. Tellkamp, [Paper], *First Report of the Prison Association of New York. December, 1844* (New York: 1845), 39, 40.

¹³⁰ *Third Report of the Prison Association of New York [for 1846] . . . Part I* (1847) unpaginated pages 11-14 in front matter (reprinting the Act and the provisions in the Revised Statutes).

¹³¹ Tellkamp, "Reform of Punishments and Prisons," in *Essays, etc.*, 2nd ed. (1875), 190.

¹³² See "The Prison Association of New York," *Methodist Quarterly Review* 46 (1864): 90, 92-93.

¹³³ Printed sources known to me give the early history of the Association, although they do not detail J. L. Tellkamp's participation after the original founding meeting. On the first years of the Association and Tellkamp, see W. David Lewis, *From Newgate to Dannemora, The Rise of the Penitentiary in New York, 1796-1848* (Ithaca NY: Cornell University Press, 1965), 220-25.

¹³⁴ Widmer, 169; "The Anti-Gallows Movement," *United States Magazine and Democratic Review* 14, n.s. (April 1844): 420. The name of the organization was "The American Society for the Collection and Diffusion of Information in Relation to the Punishment of Death."

¹³⁵ "Abolition of Capital Punishment," *Universalist Union* (1845), 10:216.

¹³⁶ Union College Archives has a copy of the whole letter (without enclosures.)

¹³⁷ See, e.g., Charles P. Daly, *The Common Law. Its Origin, Sources, Nature, and Development, and What the State of New York Has Done to Improve Upon It. A Discourse Delivered Before the Senior Law Class of the University of the City of New York, April, 1894* (New York and Albany: Banks & Brothers, 1894).

¹³⁸ See, e.g., John Worth Edmonds, *An Address on the Constitution and Code of Procedure and the Modifications of the Law Effected Thereby* (New York, Code Reporter Office, 1848); John W. Edmonds, *An Address to His Law Students* (1864).

¹³⁹ Michael Joseph Hobor, *The Form of the Law: David Dudley Field and the Codification Movement in New York, 1839-1888* (Diss., Dept. of History, University of Chicago, 1975), 157.

¹⁴⁰ *Ibid.*, 161-98.

¹⁴¹ *Essays* at 222 (reporting a Trenton visit in July) and 204 (a Scotland visit in September).

¹⁴² *Essays* 2nd ed. at xx.

¹⁴³ *Eyal*, 167-68.

¹⁴⁴ Vol. 11 (December 1844): 491-501. Tellkamp's brothers also wrote on German national issues. See Theodore A. Tellkamp, "German Views of English Criticism," in *American Review, A Whig Journal Devoted to Politics, Literature, Art and Science* 6 (Nov. 1847): 497-503; Adolf Tellkamp, *Die Franzosen in Deutschland* (Hannover, 1860).

¹⁴⁵ William Danz, Footnote *, introduction to, J. L. Tellkamp, "Money and Banks," *Merchants' Magazine and Commercial Review* 55 (August 1866): 95.

¹⁴⁶ Robert A. McCaughey, *Stand Columbia. A History of Columbia University in the City of New York, 1754-2004* (2003), 103-7 (“The Rise of the Student Estate”).

¹⁴⁷ *Catalogue of the Officers and Students of Columbia College Founded A.D. 1794 Published for the Senior Class* (New York, 1848), 14. It had twenty-two trustees. 3.

¹⁴⁸ McCaughey, 103.

¹⁴⁹ McCaughey, 107.

¹⁵⁰ McCaughey, 120-30, “The Gibbs Affair.”

¹⁵¹ McCaughey, 121.

¹⁵² President William A. Duer, himself a scholar of constitutional law, and father of New York Reviser John Duer, whom Tellkamp may have met when he first went to inquire about the job at Columbia in early 1842, retired by year’s end on health grounds. Duer might have been a supporter. Duer occasionally taught jurisprudence to seniors. McCaughey, 96.

¹⁵³ McCaughey, 121 (“Although he would eventually become one of the longest-serving members in the history of the board (fort-eight years) and in retrospect be viewed as one of its most progressive members, Ruggles remained to his fellow trustees something of an outsider and parvenu.”)

¹⁵⁴ McCaughey, 120.

¹⁵⁵ Danton, 468. Columbia’s 250th anniversary history states German was not part of the regular curriculum, but still has Tellkamp teaching only language courses, adding teaching Latin to freshman and sophomore. McCaughey, 102. Columbia made do without tutors. McCaughey, 96.

¹⁵⁶ Danton, 468.

¹⁵⁷ Danton, 470.

¹⁵⁸ Ruggles to Lieber, May 19, 1842, Phinney at 64-65.

¹⁵⁹ Tellkamp to Board of Trustees, February 12, 1844, as summarized and partly quoted in Danton, at 470-71.

¹⁶⁰ McCaughey 102.

¹⁶¹ Trustees Record of December 2, 1844, as quoted by Danton, at 467.

¹⁶² How familiar Tellkamp’s trials sound: “The greater number of students feel a lively interest in this study; but there are always several, particularly among the beginners in the Freshman Class, who erroneously regarding it as useless to them in their future pursuit in life, are unwilling to expend the time and labor required. Such students being idle and finding that they cannot distinguish themselves by their attainments, try constantly to distinguish themselves by mischief and to disturb the class by noise.” Tellkamp to Board of Trustees, January 1846, as quoted in Danton at 470.

¹⁶³ Tellkamp to Board of Trustees, January 1846, as quoted in Danton at 469, 470.

¹⁶⁴ Tellkamp to Board of Trustees, January 1846, as quoted in Danton at 469.

¹⁶⁵ Danton, 468.

¹⁶⁶ *[First] Annual Report of the Trustees of the Astor Library of the City of New-York* (1850), 10 (third codicil of August 22, 1839).

¹⁶⁷ See McCaughey 112-113 (giving one of several examples in his book).

¹⁶⁸ Danton, 468.

¹⁶⁹ Ruggles could not deny his friend Lieber some Schadenfreude reporting that “Under his Dunciad of dullness the professorship has fallen in utter contempt. . . .” The Board, he reported, had threatened to break up the professorship.” As quoted in Danton, 468.

¹⁷⁰ Letter of May 25, 1847, from a copy in the Union College Archives. The first two paragraphs read in full (the third and final substantive paragraph deals with appointment of his brother as replacement):

Relying upon your kindest indulgence I take the liberty of addressing you these lines, on a subject of considerable importance to me. Allow me, in the first place, to say a few words in regard to my present position and future prospects. My reception at Berlin has answered my most sanguine expectations. His Majesty the King of Prussia has been graciously pleased to grant me several interviews and to treat me with his peculiar kindness; and the members of the Cabinet have honored me with their confidence. I am at present employed in partaking in the deliberations of some departments of the Cabinet; and consequently enjoy a fair opportunity of rendering myself useful to the government of this country. The Prussian government has also offered to me the appointment of Professor ordinarius of political economy and civil polity, in the University of Breslau (the capital of Silesia,) and in this situation I should occasionally participate in the affairs of the central government, until called to a professorship in Berlin. These are the advantages which are offered to me by the Prussian government: and joined to the flattering [sic] nature of the proposals themselves is a very natural desire on my part to render myself useful to the country of my birth. [Page 2.]

Your honorable body will please to consider that a question is presented to me which is in every respect the most important of my life, and which I have not wished to decide in haste – but after mature deliberation I have decided to accept the situation offered to me by the authorities of my native country. – It has been with much reluctance that this determination has been formed; for I had of course always in view the advantages and pleasures of a residence in America; a residence made delightful by the confidence and kindness with which the members of your honorable body, worth individually, and collectively, uniformly treated me; nor was a desire wanting on my part to repay as far as my powers would permit, some portion of the debt of gratitude, which I owe in return for the numerous favors that I have received at your hands. Allow me then with the warmest thanks for your many acts of kindness towards me, which have rendered the duties of my professorship in your institution as pleasant and which now make the severing of these ties which have so long connected me doubly painful, to resign into your hands, the trust with which you honored me.

¹⁷¹ Danton, 471.

¹⁷² Marian Campbell Gouverneur, *As I Remember: Recollections of American Society during the Nineteenth Century* 17 (1911).

¹⁷³ Körner, 119.

¹⁷⁴ Danton, 472.

¹⁷⁵ *Die künftige deutsche Bundesversammlung zu Frankfurt*, Broadside (Berlin: April 1848), reprinted in J. L. Tellkamp, *Der norddeutsche Bund und die Verfassung des deutschen Reiches* (Berlin: Verlag von Julius Springer, 1866), 17.

¹⁷⁶ Later, Bismarck in the Prussian Upper House delivered to Tellkamp one of the most famous put-downs of academics of all times (one year of practical training, would be of greater value to me than if he had been active, even more years than he says, as a professor on the lecture platform.” Otto von Bismarck, “Professorial Politics,” Speech of December 21, 1863, in *The German Classics, Masterpieces of German Literature, Translated into English* (German Publications Society, 1914), 10:175.

¹⁷⁷ See James R. Maxeiner, *Educating Lawyers Now and Then: An Essay Comparing the 2007 and 1914 Carnegie Foundation Reports on Legal Education and a Reprint of the 1914 Report The Common Law and the Case Method in American University Law Schools by Josef Redlich* (Lake Mary Florida: Vandepas Publishing, 2007).

