

IN MEMORIAM
IRA POLK HILDEBRAND

Ira Polk Hildebrand, a member of the law faculty of the University of Texas since 1907 and Dean of the Law School from 1924 to 1940, died on the morning of Saturday, November 11th, 1944, after a brief illness. He was a member of the American Bar Association and the Texas Bar Association, a life member of the American Law Institute a 32nd degree Mason and a Shriner, a member of the Kappa Sigma fraternity and a communicant of the Christian Church. On June 3, 1909, he was married to Mabel Shiner of San Antonio, who survives him with two children, Ira Polk, Jr., now an officer in the Navy, and Frances Mabel Cooper. There are three grandchildren, Mabel Ann Cooper, Ira Polk Hildebrand III, and Boren Shiner Hildebrand.

Ira Hildebrand was born in the small town of La Grange, in south-central Texas, on December 19, 1876, the son of William Jackson and Narcissa (Whittenberg) Hildebrand. His father, an ex-Confederate soldier, was a successful farmer and ranchman, but the hardships of the War Between the States and the turbulent Reconstruction Period were fresh in his memory and he was anxious that his sons should be taught the virtues of hard work, clean living, and courage and persistence in the face of difficulties. Young Ira learned those lessons well; his long and successful life is the measure of how he observed them. He attended the public schools of La Grange, and entered Texas Christian University, from which institution he was graduated in 1897 with the B. A. degree. He then came to the University of Texas and entered upon the study which was to be his life-long profession. The degrees of B. A. and LL.B. were conferred upon him in 1899, He was urged to remain an additional year, during which time he acted as law librarian and satisfied the requirements for the LL.M. degree. With the passion for thoroughgoing scholarship which was to be his distinguishing characteristic as a teacher, he felt that his professional training, already quite extensive according to the standard of the times, was incomplete. Harvard was to him at that time, as it remained throughout his life, the "greatest law school in the English-speaking world." To one who knows his qualities of mind, it is apparent that there was only one thing for him to do.

He journeyed to Cambridge in the fall of 1900 and enrolled in the Harvard Law School. He found a noble company of men awaiting him. Dean Ames was teaching Trusts and Negotiable Instruments. John Chipman Gray was lecturing on Future Interests. Professor Williston, who was to be the greatest influence in his professional thinking, was on the rostrum in Austin Hall when Ira Hildebrand took a seat in his first class in Contracts. That matchless inquisitor of the classroom, Edward Warren, taught him Property and Corporations, the latter a subject, along with Contracts which was to engage his lifelong attention. The great Beale instructed him in Conflicts. There was much of the hero worshipper in young Hildebrand -- a quality he never lost -- and here were real heroes of noble proportions to worship. It is a happy circumstance that because of Ira Hildebrand, a generous measure of the earnestness, the austerity, and the high thinking of that magnificent group of Harvard teachers has gone into the making of the Law School of the University of Texas.

In June, 1902, Harvard conferred the LL.B. After a summer spent in traveling in Europe, young Hildebrand, in the fall of 1902, entered the law practice in partnership with Judge T. D. Cobbs, of San Antonio. The firm represented railroads, banks, and other corporations, and the junior partner was entrusted with serious and important work. A large number of suits involving land titles fell to his lot, and in later years he delighted to instruct his classes, whatever the subject he might be teaching, in the intricacies of a Texas suit in trespass to try title. In 1907, at the insistence of David F. Houston, then President of the University of Texas and later a member of Woodrow Wilson's Cabinet, young Hildebrand came to the University Law School to teach.

From the first he worked with zeal and earnestness for the adoption of modern procedures and progressive methods. It was mainly the result of his work and influence that the case method of teaching was adopted and that exacting requirements of scholarship were established. In the early days of his teaching his courses in Contracts and Private Corporations came to be known as the "stiff courses," and it was largely owing to his unceasing efforts that, by the time he became dean in 1924, a high percentage of casualties at examination time had come to be accepted as the

inevitable precursor of improved standards. The foundations of the school had been well laid by those eminent men Gould, Roberts, Batts, Simkins, McLaurin, Tarlton, and John C. Towns. A great part of the task of erecting the structure was the work of Ira Hildebrand.

In 1922 the work of founding the Texas Law Review was begun. This was the sort of project which was certain to engage Professor Hildebrand's sympathy and enlist his energies. Others were equally active, among them Professors Leon Green and Charles S. Potts, and in December of 1923, the first issue of the Law Review came off the press. "Hildy," as students and faculty alike had long since called him, was one of the contributors. To the end of his life the Law Review was one of his greatest prides. He wrote frequently and well for its pages, gave cash prizes for student editors who excelled in writing notes and comments, and entertained its staff with lavish hospitality at his beautiful home.

In 1924 "Judge Hildy" became Dean. The realization of what must have been a long held ambition wrought no change in his attitudes or interests. He was still known fondly as "Hildy" to students and faculty, though it must be noted that no student had the temerity to address him other than as "Judge" or "Dean." He spent more time in dealing with the personal problems of his students and in seeing his "old boys," as he called them, when they visited Austin. He participated with energy in the activities of the Association of American Law Schools and was a regular attendant at the annual meetings of the American Law Institute. He was a member of the Texas Civil Judicial Council from the time of its establishment in 1929 until his death, and took a very active part in its work. In addition there were, of course, the time-consuming administrative duties of the deanship. It was during this busy period that he did the major part of the work on his monumental four-volume treatise on Texas Corporations, which was brought to completion shortly after he retired from the deanship. With the honesty of a good workman he was not satisfied to send his manuscript to the publisher until he had read every Texas case on the subject, - and, one must remember, there are eleven courts of civil appeals in Texas in addition to the Supreme Court. It need not be added that he also stayed abreast of the leading decisions from all

the States in a subject which he had taught for nearly four decades. Quite a remarkable accomplishment for a man who kept a printed notice on his door, "Come in without knocking." There must have been many nights when his light burned late.

His book has received the praise merited by his industry, faithfulness, and high intellectual qualities. The Law School, under his direction, has grown in enrollment and faculty to one of the largest in the country and has come to be recognized as one of the stronger state university law schools. The library during his administration was increased by thousands of volumes. The curriculum was enlarged to meet the needs of the time. A Legal Aid Clinic was established. The Law Review he helped-to found has acquired favorable ranking with the best legal periodicals in the country.

These visible accomplishments testify to Dean Hildebrand's success. But the more intimate and personal marks of character, which endeared him to nearly four decades of law students, will be remembered first by those who knew him. He was a man who made traditions, and legends began to cluster about him long before the calendar had marked him as one of the older men of the Law School. His speech was rich with the metaphor of the frontier and the cattle range. In the ranch country when a herd of cattle is sold, the purchaser has the privilege of rejecting a certain percentage of the animals as too poor or of inferior stock. These are said to be "cut back", and the ones rejected are called "cut-backs." To Professor Hildebrand, a slothful or inattentive law student was a "cut back", who had to be separated from the rest of the herd at branding time. The name took hold and became a part of the lore of the school, along with such legends as that of "Peregrinus," the patron saint of the institution. There was also the horse owned by A of Waco, perennially sold to B of Austin for the edification of the Contracts class, the cowboy who never grew weary in contributing to the formation of a unilateral contract by breaking that "two-year old," the windmill so obligingly in need of repair to the end that first-year law men might learn the mysteries of offer and acceptance. Wherever the "old boys" come together--in distant cities, in the courtrooms of small county-seat towns, and on the many battlefields of the earth--they tell the old

stories about Hildy. These traditions and legends are equally as important to the Law School as the number of volumes in its library. Dean Hildebrand's scholarly work will not be forgotten, but his greatest contribution to the school will be found in the flavor of old tales that always bear retelling.

He leaves as his monument the impressive accomplishments of his long labors in the law school to the making of which he contributed so much. Legal education has lost a great scholar and teacher, the profession has lost a courageous leader, and those of us who were privileged to work by his side mourn the passing of a beloved friend. He was a wise counselor and a willing aid in time of trouble and always the chivalrous gentleman to teach us, by example more than precept, to spurn the ignoble and unworthy. It remains only for us to make this ineffectual attempt to record our sense of irreparable loss at his passing and to express to the saddened members of his family our deepest sympathies. The only comfort is that our friend was spared the slow and gradual Impairment of his strength and vigor that advanced age sometimes brings. For him the shadows had never begun to lengthen. Illness he had scarcely known throughout his life. One of his oldest and dearest friends, in a letter written after news of Dean Hildebrand's passing had come to, him, was moved to quote from the remarkable autobiography of Dr. Hans Zinnser those revealing lines that express the love of strength and youth that Hildy felt so deeply:

"Now is death merciful. He calls me hence
Gently, with friendly soothing of my fears
of ugly age and feeble impotence,
and cruel disintegration of slow years.

How good that ere the winter comes, I die!
Then ageless in your heart I'll come to rest,
Serene and proud, as when you loved me best."

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