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A Course in Statutes

By ERNST FREUND
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Although the law school curriculum is in the main devoted to judge-made law, it touches legislation at many points.

Constitutional law as taught in the law schools deals almost exclusively with the validity of statutes, and a good deal of social and economic legislation passes under review, although in a very unsystematic manner, and it is the great exception that a really complete view of any one piece of legislation in all its aspects is obtained in that course.

The subject of administrative law, which is given in a few schools, likewise is chiefly concerned with statutes, and here validity takes a secondary place as compared with construction, and there is perhaps no other course in which problems of construction are so prominent. While Bankruptcy is also entirely a statutory matter, I believe that underlying common-law concepts are the gist of the subject, although Professor Keedy told me that he tries to make the course mainly one of statutory Interpretation. In Criminal Law—a subject which would lend itself admirably to an introductory view of the place of legislation in our law and of its specific problems—the statutory aspect of the subject is entirely subordinated to common law principles. Bills and Notes is codified common law, and is treated as such. The statute of frauds, wills and administration acts, recording acts, and married women acts are perhaps the statutes with which law students become most familiar, and they cannot fail to imbibe a good deal of the judicial spirit of statutory construction, and in the married women acts also much of the interaction between common and statute law. I doubt, however, whether any student anywhere in his law course has occasion to read any one statute through from beginning to end, or has occasion to consider its structure or the interrelation of its various parts. And while he learns something about interpretation, his view of this most important phase of jurisprudence is just as unsystematic as is that of any student of any legal subject who becomes acquainted with it in the course of practice, without comprehensive or scientific study.

A course in Statutes will naturally try to supplement that defect; indeed, when statute law is thought of as a law school subject, interpretation is apt to be considered as its most important phase. Yet one difficulty will make itself felt at once: It is impossible to get a theory of interpretation on the basis of selected cases. I eliminate all of Interpretation that is simply logic and judgment, and which is the same for statutes as for other legal or historic documents, but refer only to the distinctly legal phases of the subject, notably the problems of extensive or restrictive, literal or liberal, Interpretation. Very little reflection shows that the ordinary rules of authority of precedents do not apply, since every statute is in a sense its own law, controllable by no rule of interpretation. Courts quote very freely maxims of interpretation, most of them commonplace, and if any one wants to be impressed with the triviality of general propositions, let him read the Digest headnotes on interpretation. What really counts is, not what the courts say in the opinion about rules of interpretation, but the trend of decisions, as a whole, and as a basis of inductive judgment a few cases discussed in the familiar manner in class are utterly inadequate. We can only speak of tendencies of interpretation which may be so strong as to amount to laws—the strict interpretation of criminal laws being the most notable instance—and these tendencies must be gathered from a comprehensive view of the judicial treatment of many statutes. Under the circumstances it is very questionable whether the subject of interpretation can be handled otherwise than by lectures, and by referring students back to the history of interpretation of statutes with which they have dealt in other courses.

Very similar observations apply to the cognate matter of the operation of statutes. The course on Conflict of Laws treats very comprehensively of territorial operation, but without particular reference to statutes; and I believe only one other phase of the operation of statutes is studied in the law school, and that is the liability for the violation of statutory duties which is taken up in torts. Since it is desirable to avoid duplication, a course in statutes may safely omit this phase of the subject; but some attention must be given to the question to what extent the disregard or violation of a statute entails the nullity of legal acts. Here, too, we are confronted with the difficulty that there can be no general doctrine that is not liable to yield to the supposed intention of the legislature in the particular case; and again we are remitted to the search for tendencies to be gathered from the history of the judicial treatment of statutes, although these tendencies are perhaps more definite than those governing interpretation.

An adequate treatment of the problem of nullity in connection with statutes will, however, not rest satisfied with the ascertainment of such judicial doctrines as may be found to exist, but will inquire how these doctrines operate from the point of view of practical effectiveness and justice, and will make a study of domestic and foreign legislation to see whether attempts have been made to substitute for nullity other equally or
perhaps more adequate sanctions, or at least to divest the doctrine of nullity of its most inequitable consequences. Here, in other words, we find occasion to enter upon the critical and constructive study of statute law which should be the most characteristic feature of a course in Statutes.

If the teaching of statutes should merely add another chapter to the many attempts to make the student acquainted with judicial reasoning and argument, it would, for the reasons indicated, perhaps be hardly worth while, and if on this basis it were very much worth while and practicable, it would probably long since have been introduced into the law school curriculum.

The value and importance of introducing the study of legislation into the law schools will be to acquaint the student with a distinctive phase of jurisprudence. The stress of the course should therefore be laid upon the functions of statute law, the problems to which these functions give rise, and the manner in which they are and ought to be met.

The functions of statute law are determined by the history of the common law, by the limitations of judge-made law and by the exigencies of government. The great bulk of legislation relates to matters of public administration, revenue, and police, and in a course in Statutes could be considered only in its strictly juristic aspect. To some extent this is done in administrative law, but the substantive side of this legislation deserves separate treatment which combined with the treatment of statutes dealing with rights of persons and property would probably exceed the bounds of one course. A course of normal length may well be devoted mainly to statutes relating to subjects dealt with by the common law, and would make an appropriate third year course. There would then be room for one or two other courses given to the juristic aspects of public legislation and taking up such subjects as the incidence of statutory obligations, the correlation of rights and duties, methods of standardization, classification and differentiation, delegation, discretion, certification and license, publicity provisions, and examining powers, enforcement provisions, and penalties.

With reference to private law the function of legislation is either codification, or law reform, or supplementing the deficiencies of the unwritten law. In a course in Statutes, the latter function is naturally the most interesting. Equity reveals many of the defects of the common law and illustrates the advancing course of jurisprudence; but what equity did, the courts of common law might likewise have done by the mere exercise of judicial power. Equity has frequently pointed the way to statutory reform, and if it had retained its more flexible jurisprudence might perhaps in course of time have achieved some of these reforms of its own accord; if so, legislation, in making these changes, operated much like the unwritten law.

The unwritten law or judicial reasoning has given us rules logically deduced from such fundamental concepts as property, contract and wrong, and from the nature of human relations; it has given us remedial relief by way of damages and specific performance, nullity and voidability, the adjustment of rights and obligations upon the basis of equality or priority, and in some cases relief from hardship; but neither common law nor equity have given us, or apparently been able to give us, measured quantities, conventional arrangements, or compromise and concession, and therefore it has remained for legislation to provide adequate forms of acts and effective publicity, limitations of time and amount, exemptions, and adventitious powers resting neither upon property nor upon contract.

If statutory expedients are juristically the most distinctive contribution of legislation to jurisprudence, a course in statutes should endeavor to study the manner in which this function has been performed, and if possible to establish the principles that should be observed in framing typical statutory provisions. If this can be done, it must be upon the basis of a comparative study of legislation, and of the legislative as well as the judicial history of statutes. I do not wish to make extravagant claims for the possibilities of this line of work, but that some valuable results can be obtained, I am confident.

In any event the study will be profitable in so far as it will require a survey of what legislation has done in the law of persons and property in this country. Such a survey will also bring out the main phases of legal policy and law reform, but it is hardly possible for one course to treat intensively of particular problems of this character; that should be left to distinctive treatment for each subject by the teacher most conversant with it, and the specific problem will then be legislation as such, but employers' liability, land titles, corporations, marital property rights, inheritance and administration, or whatever else the subject may be.

The specific task of a course in statutes is to systematize as far as possible the juristic problems that are common to a number of different subjects when handled legislatively, establishing categories of its own for differential treatment, such as enabling acts, restrictive acts, acts involving administrative arrangements, codifying acts, etc. A student going into a course on Statutes will expect to learn something about the application of the usual style provisions relating to title, unity of subject, and forms of amendment. This is constitutional law which, however, is not generally taken up in courses on that subject, and the growing importance of drafting bureaus and drafting
services make it desirable that the law schools should give some attention to the subject of the language, arrangement, and structure of statutes in general. And in close connection with this, the student should become familiar with the make-up and character of the statute book of his state, both Revision and Session Laws. Sir Courtney Ilbert's books illustrate the content of this phase of the subject, which he has happily designated as the Mechanics of Law Making, and which in this country, at least, presents a number of difficult technical problems.

If I have made my idea clear, it should appear that a course in statutes is by no means a course dealing with social or economic problems, but a course of strictly juristic and in part technical content, which differs from the ordinary law courses mainly in the fact that it can be based only to a slight extent upon the study of cases. This constitutes perhaps the greatest difficulty of such a course, since it will be necessary to find a substitute for the class discussion of cases to which law students are accustomed and which they regard as the alpha and omega of legal science. I believe, however, that the reading of selected statutes in class can be made an interesting and instructive supplement to lectures, upon which more or less reliance would have to be placed, and that students can be profitably set to work upon discovering, or attempting to frame independently, the most effective form of typical statutory provisions. Any one who has tried his hand at drafting a statute will agree that constructive work of this character constitutes legal training of the first order.

From the point of view of general jurisprudence, the admission of a course in Statutes into the law school would mean the breaking of the monopoly of the judicial point of view in the study of law and the recognition of the fact that legislative thought is likewise a law producing agency. I believe that if that enlarged and more constructive conception of jurisprudence succeeds in establishing itself, our work as law teachers and law writers will gain enormously in value to the community, which in the generation to come will have to depend upon wise and well-constructed legislation for the adjustment of the law to newly arising problems and needs.

Outline of Course on Statutes

1. The statute book.
2. Constitutional form requirements.
5. Enabling acts.
7. Codifying acts.
8. Exclusive province of legislation.
9. General and specific terms.
10. Form requirements.
11. Statutory powers.
12. Presumptions.
13. Conclusiveness.
15. Interpretation.

Round Table Conferences

Friday, December 29, 1916, 9:30 A. M.

Round Table Conferences were held on the following subjects: Law of Associations, Torts and Criminal Law, Procedure, and Equity.

The chairman and the topics are given on page 286 of the proceedings.

Third Session

December 29, 1916. 2 P. M.

The President: The meeting will please come to order. I want at the opening to remind you all that we have a large amount of business to transact. I am going to ask those who discuss the various propositions to be as concise as possible. Condense what you have to say in just as few words as you possibly can, so as to give us all a chance to say what we desire on each proposition.

The first business is the report of the officers and committees, and the first is the report of the Executive Committee. I will ask the Secretary to read the first part of that report, and we will act on that, and then have the second part read, and act on that, and so on until we have finished it.

The Secretary: The report of the Executive Committee has been in the hands of the members, printed as part of the program. There are certain matters which require action, and certain matters which require no action, and will not be read unless requested.

"The committee recommends the following changes in the Articles of Association, copies of which changes having been previously sent to all members, as required by Article XV:

"Resolved, that there be added to clause 2 of Article VI the following: 'Provided, further, that after July 1, 1920, it will not accept toward any degree in law credits based upon instruction in night courses.'"

"Article VI (2), as amended, is to read as follows: 'It shall require of its candidates for any legal degree, study of law during a period of at least three years of thirty weeks each, with an average of at least ten hours required classroom work each week: Provided, however, that candidates attending night classes only shall be required to study law during a period not less than four years of thirty weeks each, with an average of at least eight hours of required classroom work, each week, and provided further that after July 1, 1920, it will not accept toward any degree in law credits based upon instruction in night courses.'"

The President: What is your pleasure in reference to this recommendation of the committee?

Dean Ayers: Mr. Chairman, I want to ask a question in regard to this. This is something that would have affected us in Idaho last year. It does not affect us this year. It might affect us in another year. What I mean is this: We felt that it was no use for us to establish law clubs on the plan that we used to run them at Harvard. The volun-
tary law club in Idaho is no good. As a result, we took our law club, made it required, gave a credit for it, added it onto our other work. It was evening work last year. It was added to the other work. They did the same as at Harvard. They have their law clubs in the evening there. We had them in Idaho. But we did require credit for it. We gave credit for it, and required it, and they could not get their degree without it. This year we are able to get that work in on Saturday morning. Suppose it should happen that the law club work should be required in any law school added onto the regular curriculum, and required for a degree, just as with us, what would be the effect of this clause?

Suppose we had the law club in the evening, just the same as they do in most places.

Mr. Burdick: The proposed change would make it impossible, as I understand it, for a school to give any credit for a man transferring from a night school, for his night school work. That is, if he started in night school and were to stay there or start entirely over again, and I wonder if that was entirely reasonable; also, if some method could not be worked out by which some credit could be given. Is it entirely clear that a night school with a proper library facility and a number of instructors giving full time (which is required by another rule) and spreading the work over more time than a day school, cannot do reasonably good work? I raise these questions, not because they interest the Institution where I am, either of them, but merely because they seemed to me to be worth raising in this connection.

The President: Is there any other discussion?

Mr. Porter: Mr. Chairman, the question is somewhat vital to the school that I represent, and I wish to speak in opposition to the proposed amendment. It seems to me that it is unfair to say to some of the students, like those attending at night: "You cannot have a degree." Throw about the night work all the protection you will; require any amount of time that is reasonable, but give the night student a chance to make his degree.

We have day and night sessions in the University of Southern California. Many students use the night session to conveniently arrange their schedule of recitation periods, particularly where they transfer from other schools. We have 240 students registered for night work, and of these 120 are taking night work only. We have about 92 who are taking full night courses, and night work only. The average age of those taking the regular night courses is 25 years. There are at present three in the night school whose age is over 45 years. The age of the majority is from 20 to 30 years. You will recognize that these are men older than the usual run of law students. They are getting their education at a personal sacrifice. They are therefore in earnest. The work done in these classes is as satisfactory, or more so, than the day work, because of the earnestness and greater experience of the night students. Substantially all have had business experience. Of those 92, 16 are college men. The remainder of them have not had a college education.

By this resolution you are making it impossible for these men, because they are night students, to get a college degree. It looks too much like discriminating against the man who is poor. If he is young enough, so that he can earn his way through school, say by going to school one year and working the next, he may get his degree, but if he works during the day and goes to school at night he cannot have a degree. We have tried to protect the Association and the character of work done by requiring 100 weeks of work before the night student can get his degree. Now, it seems to me that the time spent in study must be added to; the man has had opportunity to do good work. We require him to do all the law work that the day student does. We have taken out of the night schedule some subjects and put them in the summer schedule. The night student must have studied four years and three separate summer sessions to complete the course for a degree. If you will notice carefully, you will see that it makes over 160 weeks. We have in this manner upheld the standard of the school and this Association, and have made it possible for this class of students to get their degree whenever they have done their work.

The same teachers conduct the lectures in the night courses who do in the day. Their report is uniform, that the night classes are as satisfactory as the day sections. So it seems to me, gentlemen, as if you are proposing a kind of aristocracy, by discriminating against the night man. It is a serious proposition to us in the West. We, of course, will have to submit to whatever action may be taken.

The President: I will ask the Secretary to make a brief statement as to the motive that actuated the Executive Committee in proposing this amendment to the Articles of the Association.

The Secretary: The Committee, in formulating this resolution, meant, I think, what the resolution, fairly interpreted, indicates, to strike at night school instruction, or instruction in law at night. Not that a man cannot learn things after the sun goes down, and that you could not conduct a very good law school at night; but the night school as an educational institution is patronized by the man whose time is substantially occupied with other things. He is during the day earning a living. He is spending the best of his energy in other fields. The
theory of the Committee was that the legal profession has arrived at this point: That those who seek to enter it by way of graduation from the schools, and who seek to hold a degree in law, should for a period of at least three years make the study of law their chief and primary occupation. And for that reason we struck at a type of Institution, or a school, which does supply the needs of the man who, while doing other things and spending the major part of his energy in other fields, incidentally and collaterally fits himself for the bar. I do not sympathize—and the Committee did not, I think, for a moment—with the feeling that in this country, even in the Far West, we need to subsidize men to enter the bar. I think most of us will agree that we have plenty of lawyers, and we are not to sit up nights devising ways for poor and worthy individuals to get to the bar; that we might as well recognize frankly for poor and worthy individuals to get to the bar. I do not sympathize—and the Committee did not, I think, for a moment—with the feeling that in this country, even in the Far West, we need to subsidize men to enter the bar. I think most of us will agree that we have plenty of lawyers, and we are not to sit up nights devising ways for poor and worthy individuals to get to the bar; that we might as well recognize frankly that we need to do the best we can to assist them, and to prevent the transfer of credits from a night school to a day school. That is a broad proposition. We want that discussed and taken with its full sweep.

Robert M. Ochiltree: In Cincinnati we had two law schools: The Cincinnati Law School, organized in 1833 and conducted as a day school; the Y. M. C. A. Night Law School, organized in 1893 and holding all of its sessions in the evening. The day school possessed a substantial endowment, large library, and building recently erected and used exclusively for law school purposes. The night school had a very small library and no endowment, but it had a large enrollment of students. Last June the trustees of the Cincinnati Law School presented a written request or proposition to the directors of the Y. M. C. A. to unite the two schools, setting forth the advantages the trustees believed would be gained for the cause of legal education in that city by having one school, with day and evening classes, instead of two separate and competing schools. In August all of the eleven members of the Y. M. C. A. Night Law School faculty accepted appointments with the Cincinnati Law School as teachers of its evening classes; at present seven of the eleven also teach day classes, and four members of the former day faculty are also teaching evening classes. The course for the evening classes, which had been three years in the Night School, was extended to four years. Practically all of the former night students enrolled in the newly established evening classes of the Cincinnati Law School—the September enrollment being 155 students.

From this it will be seen that those who have been engaged in law school work in Cincinnati believe in evening law classes. As in all large centers of population, we have young men with the ability, academic training, and ambition to study law, but who cannot attend day classes. Probably one-half of the law students' body in such centers is so situated. If denied the opportunity to attend evening classes in the day school, they will gain admission to the bar by study under the many unfavorable conditions offered elsewhere. For those reasons, and dealing with actual conditions, we feel that the Cincinnati Law School, with its endowment, library, and good name, will best serve the cause of legal education in that community by offering similar courses of study and the service of one faculty, also the degree, to day and evening classes, and by this offer encourage those who attend the evening classes to give more time for their preparation for the practice of law.

The President: I might say personally as a member of the Committee that, since this resolution was adopted by the Committee, I have become rather convinced that we have not quite hit upon the solution of this vexed question of night classes. My study of the experience of the Council on Medical Education leads me to that conclusion, and as we have a great many other matters that seem to be still more important to consider, I shall be glad to entertain a motion, if any one desires to make it, that this be referred back to the incoming Executive Committee, and that any member of the Association who has suggestions to make as to how this matter should be handled send them in to the incoming Executive Committee.

It was so moved, and the motion prevailed.

The President: What is the next, Mr. Secretary?

The Secretary: "Resolved, that the following clause be added to article VI: "5. Its faculty shall consist of at least three instructors who devote substantially all of their time to the work of the school."

Mr. Gifford: I want to say a word in regard to that resolution on behalf of a school which I visited last year, the Pittsburgh Law School. That school is striving hard to improve its faculty, and would be glad to make the addition of three instructors who shall devote substantially all their time to the work of the school, but I was informed by members of the school who are here that it would be a great hardship upon them if they were required to do that at once, and I want to speak, as an unbiased observer of their work, about the spirit that prevailed in
the school, and the sense that I found there of excellent endeavor to do their best to improve. Therefore, does this mean that that is to go at once into effect, and would it oust a school which could not provide three instructors immediately? That is the question that I wanted to raise.

The President: I suppose that the Executive Committee, exercising the same kind of equitable discretion that they have been exercising in the matter of the library rule (as will appear from our supplemental report), would give those schools that are now members a reasonable opportunity to comply with that requirement. That is, we have done that in the matter of the library requirement as regards members of the Association who were already in. Where they were making an honest endeavor within a reasonable time to comply with that, we have fixed a date that seemed to be reasonable in the future, and I suppose the incoming Executive Committee would take the same attitude. I cannot answer for the Committee, of course. I do not know who they are going to be.

Mr. McCaskill: In order to bring the matter up for discussion, I move the adoption of the resolution.

The President: It is moved and seconded that the resolution be adopted, and that the Articles of the Association be changed as recommended by the committee. Is there any discussion?

Mr. Eschweiler: On behalf of Marquette University, I oppose the proposed change. As I understand the situation in this Association, there are a number of law schools that would have great difficulty in meeting that requirement for several years to come, if not finding it an impossibility to comply with it at all. I notice that the suggestion is in effect the adoption by this body of a determination that the work in a law school that can properly become a member of this Association cannot be carried out properly unless it be done by at least three who devote their entire time to the business of teaching. I take it that it would not be hard for us to surmise that, if the personnel of the committee that made this resolution was made up of gentlemen who, in addition to teaching the law also practice the law, the recommendation of such a committee would have been just the other way, and the measure ought to come before us now for serious consideration upon the question that lies behind it, viz., whether or not it is essential for a law school to be in good standing to have a faculty made up of at least three members who devote their entire time to it. That means a serious thing to a number of the smaller institutions, as I understand the situation.

We have come into this Association, understanding that the purpose of it was as expressed in the Articles, viz., that it is for the elevation and betterment of legal education, and we are coming in, striving as best we can to measure up to that, with the same ideals, and the same desire to work toward those ideals, that the institutions have that are here, who have been endowed with such funds that this is not a question of any moment at all, or those institutions that are backed by the free and unlimited coinage of the state treasury in their respective states in their behalf. We want to ask and urge upon all here whether it is the purpose to make this an exclusive Association of those who have ample funds, or whether it is the purpose to let those who are striving to the same ends that you all are have a chance to carry out their method of reaching the same end. If the purpose of this is to dictate the means and method of reaching the end, it seems to me this Association is going beyond its real purpose.

I take it what this Association is interested in is the results to be obtained, and you have ample check on its members by your other proceedings to determine whether any school here is making good, and that there ought not to be thrown in the way of the smaller institution what will probably be an obstacle that will limit your Association to those institutions only that have unlimited funds back of them. And I want to suggest, whether or not a proposition of this kind needs to be determined and carried out at this meeting, whether it is not of sufficient moment to receive the same treatment that was accorded to the preceding suggestion of this committee. It is far more vital to the life of the smaller members of this Association than the preceding suggestions that were made, and we ask that, before any such drastic change is made in the methods of the Association, there be more time taken for its consideration.

Therefore I now move that this proposed change follow the course taken with the preceding changes suggested by the Executive Committee.

Mr. McGovney: Mr. Chairman, I was connected for a few years with a school in a city which has on its faculty several very able practitioners of law, the leading members of a city bar. That school grew from a faculty which had been entirely a practicing faculty to a point where it was able to have three resident professors. The five or six practitioners who had continued on the faculty were of one accord that the teaching in that law school should as quickly as possible be put into the hands of men who devoted their whole time to the school, and I have rarely found able practitioners who, after studying the problem, did not come to the same conclusion. It seems to me, when this resolution came out in the mails, that we were for the first time getting a substantial requirement for admission to the Association and continuance in it. It has been apparent to us all that we have been proceeding with the utmost conservatism, that we have never
set up a high standard, and the standard now proposed by the committee will be a very moderate one for a first-rate or an acceptable American law school.

I thought also that I know from talking with other delegates present, that a number of the smaller law schools will welcome the passage of such a resolution. There is almost no law school but what is striving to get as many resident professors as it can, and most of the smaller schools will be greatly benefited by having this requirement, so that they can go to their boards of trustees, to their communities, and say that the step has got to be taken now. "We knew all along that we were going to have to make it, but now we have got to make it." So I would be entirely opposed to postponing this amendment to the constitution.

The President: May I say a word on behalf of the Executive Committee. We wish to call the attention of the members of the Association to the fact that 35 of the 47 members already comply with this requirement—about three-fourths. We also call attention to the fact that many of the law schools that do not comply that are now members of this association are connected with institutions that have medical schools that do comply with the requirements of the Council on Medical Education for Class A schools, which is that they shall have six resident instructors, giving their entire time to instruction and research.

Now, we submit that these institutions that are able to support a Class A medical school, with its high requirements, of at least six, and all the other requirements for clinics, faculty, hospitals, etc., that they certainly are able to meet this very moderate requirement, and I believe it would be the best thing for these 12 schools that do not already meet this if we should adopt this at the present time. As Mr. McGovney has said, they would then be able to go before their board of trustees and say: "We must have more equipment."

Judge Miller: Mr. Chairman, representing the Law School of the University of Pittsburgh, I speak from a different standpoint of the great majority of the gentlemen here.

From a desire to serve a constituency of practically two millions of people, and feeling the need of providing for that constituency a means of maintaining the high standards that the bar of Pittsburgh and the bar of Pennsylvania always has held, the Pittsburgh Law School was started by the present dean, Judge Shafer, and some of the leading members of the bar, quite a number of years ago; it being apparent then that opportunities for qualification and admission to the bar under the old office preceptorial system were rapidly passing away. The maintenance of the school was a labor of love largely by those who were interested in it; certainly the money that was in it was no object.

The University of Pittsburgh has taken over the Law School; it is one of its principal departments. It would be inappropriate for me to extol the merits of that school. I prefer that its record before the State Examining Board of Pennsylvania and the praise from the Supreme and Superior Courts of Pennsylvania, as well as from my judicial brethren in the other courts, as to the character and standing of the men that now make up the junior bar in Pittsburgh and Western Pennsylvania from graduates of this school, shall speak for it. It is sufficient for me to say—and I am sustained by my colleague, Mr. Thompson—that the school has adopted the rule of two years' college preparatory work with full three years' day courses for its graduates; that in our classes now 75 to 80 per cent. are either college degree men or men with the required two years' preparatory college work; that these men come from Yale and Harvard, Princeton, Cornell, and other institutions, especially from the colleges of Western Pennsylvania, like Washington and Jefferson, and from the Academic Department of the University of Pittsburgh.

The present faculty of sixteen men, made up of judges in active daily work and busy practitioners, are continuing to give of their time to maintain the high standard of the school. It is only the spare time that I can give after my day's judicial work is over, averaging three hours a week, that can be devoted to teaching.

With the spirit of this resolution providing for a faculty having at least three men who are devoting substantially all their time to teaching, I am in accord; but I am not willing to go back to the trustees, much less to my associates of the law faculty, and to report that we are now bound by this provision. If you adopt it to take effect at once, we shall withdraw. We are not willing to be in this Association by sufferance, nor to agree to conditions that would suddenly disarrange our present organization. We cannot afford that. The Law School of the University of Pittsburgh will go on, I apprehend, and will graduate its men, who will be admitted to the bar of Pennsylvania, and maintain its high standing, whether the Law School is a member of this Association or not. But we prefer to remain. The dean of our Law School and some members of the faculty were at your first meeting and helped to form this Association; therefore we should be sorry to withdraw, but if you compel us to go home and say this is the rule now, both our faculty and our trustees will indorse our withdrawal.

Mr. President, you say you have in mind some of the universities that took over medical schools and instituted drastic action in making changes which have resulted in establishing in those departments first-class medical schools. I have no doubt you had the University of Pittsburgh in mind, for it is one of that number. It has a Class A medi-
The American Law School Review

cal school. Such a condition, however, never existed in the Law School of the University. Others will say for it, and I need not, that it has always been a first class law school. The University of Pittsburgh, with its 3,500 students moving into an entirely new neighborhood within the last fifteen years, acquiring a large amount of valuable property in the most advantageous location, has spent money like water in putting up new buildings and providing equipment not only for some of its other departments, but especially for its medical school, to which it has attached physicians of great repute. The trustees of the university are not able as yet, they have not come around yet, to provide the Law School with the facilities which are desirable; nor have the circumstances required it prior to this. The Chancellor of the university at a meeting of the law faculty a few days ago commissioned us to say, I think I am right, Mr. Thompson, that the Board of Trustees proposed again to raise a very large amount of money, and part of which shall be for the benefit of the Law School, and that the policy was to bring about as rapidly as was reasonably possible other needed changes; it cannot do it at once.

Therefore, believing that the day will come when this large Law School faculty will have a certain number of instructors who will devote substantially all their time to teaching—never the entire number—but a combination of the two, with at least this proposed minimum, still, I repeat, that if you pass this resolution to take effect at once we can no longer be interested in this Association.

As Mr. Gifford has very kindly said, the requirements of this Association for better quarters, a library of its own and for preliminary college preparatory work, are being made effective; our students have access to a 35,000 volume library at the Court House in the immediate neighborhood where the Law School is located, with special provision for law students to have access to this library until eleven o'clock at night. A substantial start has been made to buy the books required by a former resolution; in time the requirement of three resident professors will be met.

Therefore again I say: Give us a reasonable opportunity to put into effect in time this resolution, the operation of which should be extended, an opportunity that comports with the dignity of the institution we believe we represent.

The President: Any further discussion?

Mr. Lewis: Mr. Chairman, I am going to follow, if I may, my original instinct in this matter, rather than the suggestion so kindly made by the chair. What the gentleman from the Pittsburgh Law School has just said has impressed me that it is hardly fair for us to take this school and other schools and simply put them on sufferance at once. And therefore I should like to move, if it is within the rules of the Association that I may move at this time, that there be added to this resolution the following: "Provided, that this rule shall go into effect September 1, 1919."

I do think the rule itself, Mr. Chairman, is very important. I do think that all members of the Association realize that one of the principal objects of the Association is to do exactly what the corresponding Medical Association did for medical education, give an ideal to which the different members of the Association must attain at some definite time. Fix that time in reason.

Now, I don't know whether I have fixed it too long when I say September 1, 1919, but I am quite sure that, as far as all the law schools that I know that do not fulfill that requirement, I have given them ample time. An association or law school with sixteen professors can at least rearrange its staff so as to provide within a reasonable time the three men who shall devote their whole time to the school. We went through the same experience at the University of Pennsylvania. We have less members of our faculty now than we had several years ago, when the great majority of them only gave a portion of their time to the work. It does, however, take time to adjust the necessary rearrangement of the faculty, and therefore I urge the adoption of this amendment.

The President: Is this resolution seconded?

Mr. Miller: I would say, Mr. President, I think we can easily meet that. We don't want to go back and have our people say: "You have not got the right card." We want to keep the right card here without any conditions upon it.

The President: You second the motion, do you?

Mr. Miller: I will second the motion.

Mr. Hall: I will make the suggestion to Mr. Lewis that he make the change so as to read: "Provided, that as regards the present members of this Association this rule shall take effect September 1, 1919."

Mr. Neal: We would appreciate it very much if you would extend this. I think the school will be able to meet the requirement very much easier by staying in the Association than being put out and then have to meet the requirement to get back in. The University of Denver Law School is about thirty years old, but on account of lack of funds, and other reasons, the faculty is made up of fifteen practicing lawyers. Three-quarters of the faculty are graduates of Columbia, Harvard, and Michigan. We have a law library of ten thousand volumes. They have been striving to meet the requirements of this Association, and will try to meet them.

Mr. Walker: Over in our city, perhaps I had better say county, we have a large pottery. Probably many of you have eaten off that pottery. In connection with the pottery business, they have some rough work that
they also do. They make jugs. Formerly they only put a handle on one side of the jug, but they are now making jugs with handles on two sides. It is very frequently said that a question is jug-handled; that the truth is on one side. But in this question, gentlemen, it is like the modern jugs; the truth is not all on one side, and I think the more you study and investigate the more you will come to that conclusion.

This is a question that involves very largely the personal element. Now, you know and I know of instructors and professors who, unfortunately for some people, are giving all of their time to that work. You and I know that there are judges and counselors at law engaged in the practice who are just as eminent before a class in giving instruction, in leading these young men to the truth, as they are on the bench or at the bar.

Syracuse has been a member of this Association ever since its organization. I remember my first attendance at a meeting was when it met at Saratoga. That was some years ago. Syracuse has striven during all of its membership in the Association to comply with the rules and regulations of the Association, not only in the letter, but in spirit; for instance, when the library provision was put in.

As a matter of fact, less than a block and a half from our college buildings is what is known as the Court of Appeals Library, with something like forty thousand volumes, open free, to our students. And it was used quite regularly by our men. But as soon as this requirement was made by the Association, although we had but a few books, we at once procured the five thousand and a little more.

Now our faculty is composed, gentlemen, of members of the Onondaga bar, and of the bars near by. We have had from its very inception a judge or judges upon the faculty at all times. They have been Judges of our municipal court, of our county court, of the supreme court of the state, and finally the court of appeals.

No men have taken a deeper interest in that school than the judges. Our courts have a full respect for the school. They are in accord with its purposes, and they assist it in every way.

We have to-day no member of our faculty, except the dean, who is giving substantially his full time to college work. We have several men who are giving a large portion of their time, who are teaching probably as much as many men in other schools.

We have there in our university a medical college. A few years ago it was rated A plus. I believe the raters have now removed the plus from their scheme of rating, but it still stands A. They have nevertheless a very large faculty, and while they comply with the provisions referred to by our president, a large portion of their teaching is done by men who come fresh from their work in their profession.

Now we are able to get first-class material, men who are both able and willing to put in the necessary amount of time to thoroughly prepare themselves for their work in college, and to do that work. I should not want to say that it would be impossible for us to comply with this provision. That question was not considered before I left Syracuse. But we should find it very difficult to comply with it. We should have to tear our faculty to pieces. This is a question that can be better handled by the several schools. We have, as has already been suggested, other methods, other ways of rating the work, rating the effects, rating the accomplishments, rating the status, if you please, of the schools in the Association, and it is my notion that for the schools that are now in the Association, at least, this provision should not go into effect. We should go a step further than the amendment suggested, and say that it should not apply to the present members of the Association. I don't know whether we would go so far as Pittsburgh. It is possible we would, in regard to this proposition, even be compelled to drop out of the Association. We hope you will not compel us to do it, but leave this matter where we believe it belongs—with the several schools.

There are schools that have to be on the other basis, that could not, if they would, come under our basis, because they are in towns where they cannot get members of the bar to do this work. They have to have resident professors. We have these facilities, and we thoroughly believe the situation is to the advantage of our students. Our students, to a man, believe in this method. It is frequently voluntarily commented on by our students. We have had that comment frequently by students coming from other law colleges, saying, "We like the way the work is put on here better than the other place, on this account," and naming the question we are now discussing, the fact that their instructors come fresh from the office, fresh from the bar, and give the instruction. We believe, gentlemen, that this motion should not prevail.

The recommendation of the committee as amended was voted by schools, and was adopted.

The Secretary: On the subject of Preliminary Education, in calling attention to Article VI (1), the Committee recommends as follows:

"1. It shall require of all candidates for its degree at the time of their admission to the school the completion of a four years' high school course, or such a course of preparation as would be acceptable for admission to the state university or the principal colleges and university in the state where the law school is located: Provided, that this requirement shall not take effect until September, 1907. (As amended in 1905.)"
"It appears to be the practice of a number of schools to admit persons as candidates for the degree of law when admitted to the schools to admit persons as candidates for the degree of law. Attention is called to the following resolution passed by the association thirteen years ago:

Resolved, that the first requirement of the Sixth Article of the Articles of Association means that students who have already advanced their requirements so as to require one or more years of work at college as a prerequisite to admission to the law school and expresses the earnest hope that this advancement may continue until all of the members of the association shall ultimately require at least two years of college work as preliminary to the study of law. (See Proceedings, 1903, p. 9.)

In view of the fact that twenty-eight of the members now require more than the minimum prescribed by Article VI (1), it is the opinion of the committee that where a school exacts only a four years' high school course as a requirement for admission as a candidate for the degree, all of such requirement should be satisfied before the student begins the study of law. The Committee, therefore, offers the following resolution:

Resolved, That in case of members exacting only the minimum entrance requirement of a four years' high school course, all of such requirement should be completed before the study of law is begun."

The President: You have heard the resolution. Do you desire to take any action upon it?

It was moved and seconded that the resolution be adopted.

The question was then put and the resolution was unanimously adopted.

The Secretary:

"Resolved, further, that even though the required preliminary education be in excess of the minimum prescribed by Article VI (1), it should be substantially completed before the study of law is begun."

On motion this resolution was unanimously adopted without discussion.

The Secretary:

"Some doubts have arisen as to whether Article VI (2) requires the three years' study to be completed while the student is pursuing his law course. Attention is called to the following resolution passed by the association thirteen years ago:

Resolved, that the period of study required by Article VI (2) is to be interpreted as meaning resident study."

On motion the foregoing resolution was unanimously adopted without discussion.

The Secretary:

"Whereas, many teachers in the law schools are not eligible to membership in the American Bar Association (not being able to comply with the requirement of five years' membership in a state bar); and

"Whereas, it is desirable that such teachers be members of the Association and participate actively in the work of the Section of Legal Education: Therefore, be it

Resolved, that the American Bar Association be requested to modify its rules for admission so that teachers in reputable law schools, who are otherwise eligible except for the required period of membership in a state bar, may become members of that Association."

The President: Have you heard the resolution. What are your wishes?

A Member: Does that mean modified as to teachers, or just modify entirely?

The President: Just so as to allow teachers, I understand. Is there any discussion?

Mr. Walker: Mr. President, the question arises in my mind whether it is wise to make a request of that kind. We are related to that great Association, and it seems to me that the way in which they regard this Association will be determined very much by our attitude, and I think the less we ask of the Association in the way of modification of this rule the better. It seems to me that we ought not to do it, but to leave those matters to the Association itself. We can raise questions in that Association through members of this Association who are also members of the Bar Association, and it seems to me that is the proper way for these questions to come up. If they have a question of that kind under consideration, our O. K. of it would not be bad.

Mr. Hall: Might it not be wise to put the request at least in the alternative, adding in the end of it, "or at least members of the Section of Legal Education." That would cover the point made. It would be unnecessary for him to participate in all the functions of the American Bar Association.

The President: Do you make that as a motion?

Mr. Hall: I offer that as an amendment.

The President: Is there a second to that?

Mr. Pound: I don't believe we need hesitate about that. I was a member of the American Bar Association before I ever started to teach. That provision was put in when no one ever dreamed of a law teacher teaching at one place and then going somewhere else before he had been five years in the state. I don't believe they will take it unkindly from us if we pass it.

The President: Was there a second to Mr. Hall's amendment? Apparently not. The question is now on the original motion, that this be adopted. Is there any discussion? If not, those in favor will say aye.

The motion was carried by a unanimous vote.

The Secretary:

"By Article X, the Executive Committee is especially intrusted with seeing that the requirements of Articles VI and VII are complied with. The present Committee, carrying out plans inaugurated by its immediate pred-
The recommendations of the committee in regard to the Pittsburgh Law School, the Trinity College Department of Law, and the University of Tennessee Law Department were adopted unanimously without discussion.

The Secretary:

"It appears that the Hastings College of Law has not the library equipment required by Article VI (4), and informs the Committee that it has no need of such equipment, as it has access to the San Francisco County Law Library. In view of the imperative requirement of Article VI (4), the Committee recommends that the Hastings College of Law be dropped from the Association."

The recommendation of the Committee was unanimously adopted without discussion.

The Secretary:

"The representative appointed by the Committee to investigate the Marquette University College of Law found that the records of the school were in such condition as to make it difficult, if not impossible, to ascertain whether Article VI (1) was in fact complied with. On the basis of such data as were available to the investigator, the Committee reached the conclusion that the requirements of Article VI (1) were not being enforced by this school. The President of the University and the Secretary of the Law School now assure the Committee that complete and adequate records are now being kept, and that Article VI (1) is now being complied with."

The investigation also showed that Article VI (4), regarding the library equipment, was not being complied with. The Committee is assured, however, that since the investigation additional volumes have been purchased, and that the library is now up to the required standard. In view of these assurances, the Committee recommends that no further action be taken at this time."

The President: I think that requires no action, gentlemen, and the last paragraph of the supplemental report was disposed of at the first session. That completes the report of the executive committee.

Report of the special committee appointed with reference to the times of holding bar examinations.

Your committee recommends the following action by the Association:

1. That the Association by appropriate resolution go on record and seek to exercise its influence against the permitting of students in law schools to take state bar examinations until after graduation or other completion of the school course.

2. That a memorial be addressed to the State Boards of Law Examiners, or, in states in which admission to the bar is not under the supervision of a state board, to the Supreme Courts of such states, urging that students in law schools be not permitted to take examinations for admission to the bar for a period of at least thirty days after graduation. In so far as the state law makes this possible.

3. That copies of the resolution recommended in No. 1 and of the memorial recommended in No. 2 of this report be sent to each of the officers of the Section on Legal Education of the American Bar Association.
and to the members of the Committee on Legal Education and Admission to the Bar of the American Bar Association, and similar committees and the presidents and secretaries of the various State Bar Associations.

4. That all members of the Association be requested to urge upon the proper authorities in their respective states the adoption of a plan in conformity with the resolution as indicated in No. 1 of this report.

5. That all members of the Association be urged to adopt rules or regulations designed to make it difficult for students in such schools to take the bar examinations before graduation, except in those rare instances in which the conditions may justify an earlier examination.

Respectfully submitted

Henry M. Bates.

Mr. J. H. Beale: Mr. President, there was one recommendation that the President made in his Annual Address that we ought to take action on at this time. I would read it in the language in which the President himself put it:

"Resolved, that the Executive Committee be instructed to confer with the officers of the American Bar Association, or any committee which that body may appoint, with a view to the formation of a council on legal education, whose functions should be similar to those of the Council on Medical Education, and to report the results of this conference with the Bar Association to the next annual meeting of this Association, or to a special meeting to be held in connection with the next annual meeting of the American Bar Association, if the Committee is ready to report at that time."

I move the adoption of that resolution, reserving the right, Mr. President, to find some one who will move to amend it by striking out the last clause. I doubt if a matter of that importance should be taken up, as suggested here, at any special meeting of this association, where so comparatively few of the members can be present. But I move the adoption of the resolution as the President phrased it in his address.

The President: With unanimous permission, we will consider that last clause as eliminated.

The motion was seconded.

The President: Is there any discussion? If not, those in favor will say aye; those opposed, no. The ayes have it. It is a vote.

The President: Do you desire to express to the incoming Executive Committee a recommendation as to the time and place of the next meeting? Does any delegate desire to express merely his ideas about that?

Dean Ayers: I certainly do. I don't know whether anything can be done about it, but as a matter of fact holding the meeting at this time obliges those on the Pacific Coast to cut out their Christmas, and is almost prohibitory as far as our attendance goes. You will notice that it does not involve merely a question of convenience. If it were a matter of convenience, or a matter of person-al sacrifice alone, I should not open my mouth upon this question. I am ready to do anything within reason. But bear in mind that it means that you notify your family that hereafter there will be no Christmas so far as they are concerned.

Now, we as lawyers ought to consider the ethical rights which by and by are transformed into legal rights when opportunity occurs. I think that our wives and children have rights in these matters, and it is because of that that I present what I have to say. I don't know what can be done about it, but I do know that, unless I am able to fork up the money to bring my wife on, I shall not be here regularly at the meetings hereafter, and I think that is true with regard to members on the Pacific Coast generally. Now, it may be, of course, that you do not care. We care a great deal. We like to be here. We think that there is a reason for our membership, and that one of the benefits of that membership means attendance at these meetings. But it is absolutely true to say that, if it is going to be the regular thing that we cut out our Christmas holiday, and therefore deprive our families of their undoubted rights in the premises, we shall not be here very often—we cannot, as much as we would like to.

Mr. Porter: As another representative from the Pacific Coast, I do want to enter an additional protest against being forced to sacrifice another Christmas and endure the rigors of the Chicago climate at this season of the year.

Those of us from a warmer climate do not enjoy a few days, or any day, in a climate such as you are giving us to-day. There is also something of danger, possibly, in the exposure in coming across the Rockies for this trip. The experience of the Berkeley representative, who has not yet arrived, having been snowbound for sixteen hours, shows what I mean; also, we take our chances in going back. We may get back on time. There may be some days late. Could we not arrange to have our Association meet in the summer, two or three days prior to the meeting of the National Bar Association? Then those of us who wish to remain over could attend the national Bar Association meeting. It certainly would be a great accommodation. We could then put this meeting into our summer vacation. It does not compel those who have no interest in their meetings to remain for the Bar Association sessions. Personally, I would like to attend the meetings of the American Bar Association. I cannot afford the time and money to attend both. Therefore it is a choice between the two. Can we not hold the meetings either before or immediately after those of the Bar Association?

Mr. J. H. Beale: I move the Executive Committee consider the possibility of holding this session two days later. If we held it two days later, I think it would give the
representatives from the West an opportunity to spend Christmas with their families, which certainly is a proper request for them to make. On the other hand, if we give up the holding of this session at this time, we give up all we have gained in the last three years, which is, enthusiasm, interest, large attendance, and a session that means something.

The motion was seconded.

A Delegate: I would like to move as a substitute that the time of the annual meeting be referred to the Executive Committee, with the request that they study the matter of having the meetings during the spring recess. I know the universities do not have the same spring recess, but possibly it might be possible to do that.

The motion was seconded.

A Delegate: Do you include in that also the possibility of holding it at some other place as well?

A Delegate: I should like to have the whole matter referred to the Executive Committee. I simply made a suggestion.

The President: Is there a second to that?

Dean Ayers: Yes.

The President: I take it the Executive Committee will inquired into all the intricacies of the problem. I know it has done this already, and felt what it has done has been a compromise.

Mr. Thurston: Is this intended to give the Committee authority to once more hold our meeting about the same time as the American Bar Association meeting? I think it is likely they will meet near the Atlantic seaboard next summer, and it may be it would be worth trying the experiment again, whether we might not meet at that time.

The President: I take it this motion is simply intended as a suggestion to the Executive Committee to look over the whole field again and see if a change is advisable. They have the power. The Association will meet with the American Bar Association, unless the Executive Committee deems it wise under the circumstances that it should meet elsewhere, and each year since it has. This year the Executive Committee decided it was advisable to meet at this time and place.

A Delegate: Cannot we have an informal discussion of the substitute? I think it is proper that they study the matter of holding the meetings during the spring recess. That does not bind the Committee to anything.

The motion prevailed.

Dean Vance: I wish to move you that the incoming Executive Committee give careful consideration to the advisability of extending the present law school curriculum to four years, and report its finding, with any recommendation it sees fit.

The motion was seconded.

Mr. McCaskill: I suggest that they consider also, when this one-year extension be made, that they consider the question of whether or not the four-year course should be an undergraduate course, or as to whether or not it should have graduate features.

The President: Do you accept that?

Dean Vance: I have no objection.

The President: You have heard the motion, gentlemen. Is there any discussion of this motion? If not, those in favor will say aye.

The motion prevailed.

Mr. Hlinton: Mr. Chairman, the Committee on Nominations recommend:

Mr. Stone, of Columbia University, for President.

Mr. Gilmore, of Wisconsin University, for Secretary and Treasurer.

Mr. Thurston, Mr. Richards, and Mr. Cook for the Executive Committee.

On motion the report was unanimously adopted.

On motion, the Sixteenth Annual Meeting adjourned.

ROUND TABLE CONFERENCES

Subjects for Discussion

Public Law—Conducted by Thomas R. Powell, Columbia University:

1. How many hours in the law school curriculum should be devoted to the subject of Constitutional Law?
2. Should the subject be taught as a single course or as two or more courses?
3. If the latter, what is the most desirable allotment of topics to the several courses?
4. If there is not time enough to consider by the case method all of the topics in the subject, is it better to omit some topics entirely or to seek to cover the entire field by lecturing on the less important topics?
5. What topics can with the least disadvantage be omitted or considered by the lecture method?
6. What topics in the field of Constitutional Law should be dealt with in other courses, such as administrative law, conflict of laws, criminal law and public service corporations?
7. What is the best method of considering problems of state constitutional law?
Contracts—Conducted by Arthur L. Corbin, Yale University:

1. General topic, "Consideration," with special reference to the following:
   a. Promissory estoppel as a substitute for consideration. (Reliance on a promise as opposed to reliance on a statement of fact.)
   b. "Waiver" as an operative act, creating new legal relations, without consideration.
   c. Is a statute desirable either abolishing or establishing a doctrine of consideration?
   d. Methods of teaching the law of consideration, including the use of printed problems.

2. Irrevocable offers.

Property—Conducted by Ralph W. Aigler, University of Michigan:

1. Should the scope of Personal Property as given, for instance, in Gray's Cases, be enlarged?
2. Should Personal Property be given as an independent course, or as a part of a larger Property course?
3. How much attention should be given to the subject of waste?
4. Are extensive statutory changes or revisions of the law of Property desirable?
5. Would something in the nature of a codification of the law of Property be desirable at this time?
6. If a somewhat comprehensive regrouping of topics and subjects of the law generally for law school work should be deemed desirable, what could be done along that line in the Property course?
7. What of the doctrine of Wood v. Leadbetter?

Law of Associations—Conducted by William Draper Lewis, University of Pennsylvania:

1. Is it desirable that Partnerships and Corporations be taught as separate courses, or as part of a course on Business Associations, or as part of a course on Associations?
2. If partnerships, corporations, and other business associations are taught as one course, is it advisable to study one association at a time, or should the subject be treated as a whole under topics logically arranged, as Formation, Management, Rights of Members, Liability of Members, Transfer of Interest, Rights of Creditors, etc.?
3. Should Agency be taught separately, or as part of a course on Business Associations, or as part of a course on Associations?
4. Should Municipal Corporations be treated as a separate course; and if not, in what course and how extensively should it be treated?
5. Where partnerships and corporations are separate courses, should other business associations be separately treated; and if not, how should they be distributed among the courses in partnerships and corporations?
6. Should voluntary non-business-for-profit associations be treated in a separate course; and if not, to what course should they be attached?
7. What, from the standpoint of presentation, is the most difficult part of the law of private corporations?
8. What is the best general classification of cases, involving the doctrine of ultra vires?
9. Should the statutory law or any part thereof be made a subject of special study, or should it be studied incidentally in connection with the study of cases involving the interpretation of statutes?

Equity—Conducted by Austin W. Scott, Harvard University:

1. The nature of equitable rights.
2. The Equity curriculum.

Torts and Criminal Law—Conducted by Eugene E. Gilmore, University of Wisconsin:

1. The relation of tort liability to criminal liability. A consideration of the ground common to Torts and Criminal Law.
2. Should the fundamental conceptions of liability, both criminal and civil, be treated in a general course, leaving to the separate courses in Torts and in Criminal Law the special and exclusive topics?
3. How far is it advisable to treat similar topics in Torts and Criminal Law together, in order (a) to save time; (b) to emphasize significant differences or likenesses?
4. Should general principles be discussed mainly in advance of the particular torts or crimes, or after the consideration of the latter?
5. What should be the scope, content and arrangement of the course in Torts and in Criminal Law?
   (a) Should the course in Criminal Law include Criminology?
   (b) What should be done with Criminal Pleading and Procedure?
   (c) Is not the purpose and achievement of the course in Criminal Law as given at present the training of students in the writing of cases and in the making of fine distinctions, the cases being chosen for their dramatic interest rather than for their intrinsic legal importance?
(d) Are not these cases in subject-matter too often concerned with technical artificialities due for the most part to historical accidents?

(e) Should not there be more material on the history and state of the constitutional guarantees? At present these subjects seem to fall between Criminal Law and Constitutional Law and are not adequately treated by either.

(f) Should not the law of principal and accessory be relegated to history and treated there simply for the purpose of explaining certain anomalies in the present law?

(g) Should not a great portion of the law of larceny, embezzlement, and false pretenses be omitted entirely and the emphasis laid on the importance of legislation to prevent these artificial distinctions from being made?

(h) Are not many other topics, such as, for example, consent, really for the most part of little importance in the Criminal Law, and should their study not be taken up in the law of Property and Contracts, where such matters are of fundamental importance?

(i) Should the course in Torts be broken up and some topics made into an elective course in the second or third year, such as Interference with Domestic and Trade Relations, Right of Privacy, Joint Torts, Landowners’ Rights and Liabilities?

(j) Is the subject of Nuisance adequately treated in Torts and Criminal Law?

Procedure—Conducted by J. P. McBaine, University of Missouri:
1. In teaching Pleading should we consider in the classroom reforms that have been suggested or may be made?
2. In the three-year curriculum, how much time should we devote to Code Pleading? When should it be taught, and in what year should it be taught?
3. Should we continue teaching Common-Law Pleading? If so, how? If it is to be abandoned, should a Procedure course be given in its place? If, so, what kind of Procedure course?
4. Are courses in Practice proving to be worth while? Is the Practice Court? Are we improving in teaching methods in Practice Courses?
5. What place in a fourth year should be given additional courses in Pleading and Practice? What additional courses might profitably be given?
West Publishing Company, St. Paul, Minn.

I am in receipt of your favor of the nineteenth instant, also "Brief Making" (third edition) with the accompanying "Illustrative Reference Book." My examination of these volumes has impressed me on two points in particular, the completeness of the work, and the impartiality shown in reference to the publications of others. If, when I was a young law student, I had had the facilities which the modern student has in the matter of text-books, I would have learned more with less exertion. Not only has the modern student better text-books, but your volumes above mentioned show him, both theoretically and practically, how to use them to the best advantage.

Yours very truly,
(Signed) Frank Hall Childs

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