

1929

## Floyd Russell Mechem

Edward W. Hinton

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## EDITORIAL NOTES

### FLOYD RUSSELL MECHEM

Floyd Russell Mechem, Professor of Law in the Law School of the University of Chicago for the last twenty-five years, died, after a short illness, on December 11, 1928.

The main events of his life are these:

He was born at Nunda, New York, on May 9, 1858.

His family soon moved to Battle Creek, Michigan, where he received his early education in the public schools and in the high

school. The death of his father threw on him the task of assisting to support the family, and he was therefore unable to enter college.

While engaged in teaching in a country school, and later while struggling to establish himself in the practice of the law, he managed by his own efforts to acquire a broad and liberal education.

He read law in an office and was admitted to the Michigan bar in 1879. For the next ten or twelve years he was actively engaged in practice in Battle Creek and in Detroit, where he became interested in legal education. He began his career as a law teacher in the Detroit College of Law. Scholarly investigation appealed to him more than the business of the law office, and in 1892 he accepted the Tappan Professorship of Law in the University of Michigan. In 1903 he joined the faculty of the then newly organized Law School of the University of Chicago, in which he spent his most fruitful years of productive scholarship.

He published case-books on Agency, Partnership, and Damages, and a large number of articles in the law reviews.

He was the author of standard texts on Public Officers, Partnership, and Sales of Personal Property, and of a monumental work on Agency. At the time of his death he was preparing the Restatement of the Law of Agency for the American Law Institute.

These are some of the bare facts of the career of this eminent law writer and teacher, with which lawyers and law teachers are most familiar. To those who did not know the man intimately, it must be a source of wonder that he could accomplish so much in the fifty years that he devoted to the law. During that time he acquired a liberal education in the humanities, and a profound and scholarly knowledge of vast fields of the law, which he embodied in articles and texts that have received the fullest recognition by the appellate courts of every state.

He was as familiar with legal philosophy as he was with the leading decisions in his own field of agency. In his articles and texts there was no citation which he had not examined and evaluated. Practically all of his research and writing was done while carrying a heavy teaching load, which was never slighted under any conditions.

He persisted in meeting his classes until he was prostrated by his last illness. He accomplished the seemingly impossible because he had unusual mental ability and a capacity for work almost beyond belief. Early and late he was a familiar figure in the library stacks, collecting material for case book or text, or class-room discussion. As decisions multiplied his labors increased that he might embody

the latest thought in the Restatement of Agency which was to be the culmination of his life work. His love for legal investigation was a passion which drove his frail body beyond its endurance.

To his colleagues he was always the trusted friend and wise counsellor, ready to help with any perplexing problem, whether personal or professional.

His philosophy was largely the outgrowth of his early environment. He was an individualist. A man must be free to work out his own destiny. He disliked some of the modern legislation which interfered with the freedom of contract, or sought to regulate the hours of labor. According to his view, that government was best which governed least.

He had little faith in legislation as a panacea for the various economic and social maladjustments. To him law was something greater and more vital than legislative fiat. It was a living force—a natural outgrowth of our civilization. Some years ago he wrote an essay for one of the law reviews, in which he sought to prove that there could be no clear cut conception of justice. But though the conception may not be definable in words, he realized it in his life. With him the sense of right and justice was instinctive, and from that he never deviated by a hair's breadth. No question of expediency could reconcile him to what he believed was unfair or unjust.

As a teacher he had few equals. His own unaided struggles with the tangles and intricacies of the law gave him a sympathetic understanding of the student's difficulties. He was ever ready with a suggestion that would start the beginner on the right approach to solve the problem for himself. He did not work out the solution, for he believed that the student must do his own thinking if any real gain was to be accomplished. His fear was that modern education in the colleges was making knowledge too easy. His aim was to develop the student's power of analysis rather than to supply him with mere information, which would slip away like unearned money.

In the class-room his quiet force, his keen understanding, his kindly humor, and his profound knowledge of law as the product of social evolution made him the revered teacher and master for whom generations of students have felt the highest admiration and the deepest affection which time cannot dim.

He could not subscribe to any theological dogma. His religion was a belief in a spiritual force in the universe that made for righteousness, and his life proved the truth of his belief.

"He was a man, take him for all in all, I shall not look upon his like again."

E. W. HINTON.

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### INTERNATIONAL INSTITUTE OF PUBLIC LAW

The International Institute of Public Law was organized in Paris in 1927, among the founders being the Americans Scott, Goodnow, Lowell, and W. F. Willoughby. The titular members include of Americans Chief Justice Taft, Dean Pound, and Professors Corwin and Freund; the associate members Professors Fairlie, Garner, and White. The President of the Institute is Professor Gaston Jèze.

An annual publication will report on constitutional and political changes, important statutes, and constitutional and administrative decisions in the various countries.

A session was held on October 20 and 22, 1928. Professor Kelsen of Vienna reported on legal sanctions of constitutional principles, and Professor Jèze on the legal significance of public liberties.

The next session, to be held in the last week of June, 1929, will be given to the discussion of the following reports:

The Rule of Law and Objective Law. Reporter: Mr. Duguit.

The Principle of the Separation of Powers. Reporter: Mr. Redlich.

The Effect of Constitutional Law on the Making of Treaties. Reporters: Messrs. Politis and Schuecking.

The Crisis of Representative and Parliamentary Government in the Modern Democracies. Reporters: Messrs. Barthélemy and Lowell.

Referendum and Initiative. Reporters: Messrs. Freiner, Garner, Kelsen and Thoma.

Political Function of Parliamentary Commissions. Reporters: Messrs. Barthélemy, Kaufmann, Markl, and Rolland.