The Yale School of Law

An Account of its Recent Progress and Expansion
Reminiscences of its Earlier Days

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I. The Present Condition and Equipment of the Yale School of Law

By THOMAS W. SWAN, ’00
Dean of the Law School

In seven years the Yale Law School will complete the first century of its formal existence. This century of its history may be divided into a number of fairly well-defined epochs. One such epoch embraces the period beginning with the reorganization of the School shortly after the Civil War and extending down to 1900. During that entire period there was one man whose influence was preeminent, although, of course, he was aided and influenced by many other strong men. This man was Simeon E. Baldwin, at various times practicing lawyer, President of the American Bar Association, Chief Justice of Connecticut, and Governor of the State. During this period the School graduated many men of power and influence. It is worthy of note also that during this period graduate work of a high character was inaugurated and carried on in Roman law, comparative law, continental law, legal history, analytical jurisprudence, and allied topics. Happily Governor Baldwin’s influence and personality are still at the service of the School.

The next epoch was definitely marked by the accession of Professor Henry Wade Rogers to the deanship in 1903. The School was under his leadership for thirteen years thereafter. During this period certain very important advances were made.

Entrance Requirements

Beginning with 1909, it was provided that no student should be regularly eligible for admission as a candidate for a degree unless he had completed two years of college work, and two years later this was changed so as to require a college degree. This is the regular entrance requirement at the present time, the only exceptions being that Yale College Seniors may elect courses in the School of Law, and that in rare instances men having adequate preparation are admitted as special students. During the year 1915-16, only ten men were admitted as special students, and three of these held some degree.

In keeping with the rule permitting Yale College Seniors to take substantially one year of law for credit toward the two degrees of B.A. and LL.B., similar provision is made as regards other colleges and universities of high rank. A graduate of an approved college, whose bachelor’s degree is based upon three years of general studies and one year of law studies, may ordinarily receive credit for his law work so completed, so that the degree of the Yale School of Law may be obtained in two additional years.
Case Method of Instruction

It was also during the administration of Dean Rogers that instruction came to be given exclusively by the case method. The decisions of the courts had, as a matter of course, always been used as the subject-matter of instruction, and some members of the Faculty had even prepared sets of cases and used them as part of the assigned work. These sets include Baldwin's "Cases on Railroad Law," Wurtz' "Cases on Federal Practice," and numerous sets of "Yale Cases" on all the principal branches of law. The further development of this system of instruction was, and still is, inevitable, not only because it is the historical method but because it puts into the student's hands the material necessary for analytical, comparative, and critical study of specific legal doctrines. No living legal system can consist merely of a set of mechanical rules. Even after it has been extensively codified, it cannot be taught dogmatically as a mere memory exercise. Professor Redlich, of the University of Vienna, in his recent report to the Carnegie Foundation on methods of legal education, says that they soon discovered the truth of this on the Continent after the adoption of the German Civil Code. No law school now insists more strongly than does Yale upon the necessity of studying our common-law system comparatively and critically; and it insists much more strongly than most others upon the necessity of including foreign systems of law in the comparison.

The Faculty

The ever increasing magnitude of the legal field has also compelled a change in the character of law faculties. For the best results, it has become necessary that law professors should give their whole allegiance to teaching and research. While it has always been known that the law is a science and its teaching an art, it has become necessary to develop both the science and the art so much more intensively that faculties must be composed chiefly of men specially trained and able to give their undivided efforts. Dean Rogers believed in this principle and put it into operation so far as the finances of the School permitted. During the present year six professors have thus given their whole time to the School; and as four distinguished professors have just been added to the staff, there will hereafter be not fewer than ten full-time men.

These ten men form a sympathetic and cooperative group, as regards fundamental aims,—nearly all of about the same age, but with the greatest variety of previous training and experience. Professors Wurtz, Corbin, and Edgerton are graduates of the Yale School of Law, where they have all served as teachers throughout the administration of Dean Rogers. Their college degrees were obtained at Yale, the University of Kansas, and Trinity College, and they have had experience in active practice in Florida, Colorado, and Connecticut. Professor Wesley N. Hohfeld was called to Yale in 1914, from the Law School of Leland Stanford University, where he had been a member of the Faculty for nine years. He is a graduate of the University of California and the Harvard Law School. He has also taught in the summer sessions of California, Chicago, and Michigan, and has practiced law in San Francisco. In 1910, Professor Walter Wheeler Cook was called from the University of Chicago Law School. He is a graduate of Columbia College and Columbia Law School, and has studied for two years in Germany. His record as a teacher includes, in addition to six years at the University of Chicago, several years at each of the law schools of the universities of Nebraska, Missouri, and Wisconsin, besides work in the summer sessions at Columbia.

The four recently-elected members of the Faculty are Professors Dunn, Lorenzen, Morgan, and Borchard. Professor Henry W. Dunn graduated from Colby College and from the Harvard Law School. He has had thirteen years of active practice in Boston; and for two years he was dean of the Law School of the University of Iowa, where he made a distinguished record as a teacher and scholar. Professor Ernst C. Lorenzen and Professor Edmund M. Morgan both come from the University of Minnesota Law School. Professor Lorenzen received his bachelor degrees in arts and in law from Cornell University. Later he spent two years in the Universities of Paris, Heidelberg, and Gottingen, receiving the degree of J.U.D. maxima cum laude at Gottingen. He practiced law in New York for two years, and has been professor of law in the Universities of Maine and Wisconsin and in George Washington University. Professor Morgan graduated from Harvard College and Harvard Law School. He practiced law in Duluth for seven years, and for the last five years has been professor of law in the University of Minnesota. Professor Edwin M. Borchard holds bachelor's and doctor's degrees from Columbia, and studied law in the New York Law School and in Columbia. He has been Law Librarian of Congress and an assistant solicitor to the Department of State. He has been very active in research.
and publication in the fields of international law and foreign law.
The ten full-time professors received their college training in eight different colleges, not counting several foreign universities, and received law degrees from five different American law schools and one European university. In addition, they have done successful law teaching in thirteen of the leading American law schools, and have practiced law in nine different states, distributed over North and South, East, Middle West, and Far West. It is believed that no other law faculty shows so great a variety of training and experience. This variety is of the greatest advantage in a national law school that prepares its students for service in all of the states of the Union. The danger of a narrow provincialism is no less great in law than in other educational and political fields. With such breadth and diversity of learning and experience represented, it cannot be said that Yale is likely to be possessed of smug satisfaction with existing systems and institutions, or to hold in contempt the ideas and practices of other schools or of other states and countries.

While the great bulk of the teaching work is in the hands of the ten full-time professors, it is realized also that students receive great inspiration from contact with men who have rendered distinguished public service. The School is fortunate in having a certain amount of work given by men of this type. Professor Simeon E. Baldwin, who has been both Governor of Connecticut and the Chief Justice of its Supreme Court, delivers two courses of lectures, one on legal ethics, and another as an introduction to law. Judge Henry Wade Rogers, at one time Tappan Professor of Law at the University of Michigan, and since 1913 a judge of the United States Circuit Court of Appeals, gives courses on public and private corporations, as he formerly did when devoting his whole time to the School of Law. Ex-President Taft offers the course on constitutional law. Courses are offered also by Judge John K. Beach of the Supreme Court of Connecticut, and by Judge Edwin B. Gager, who has recently been appointed to that court.

Instruction Both Scientific and Practical

The variety of training to be found in the Faculty of the School of Law is already evidenced in their publications and in the subject-matter of the courses offered. Plans have been made, and are already in process of fulfillment, for the development of the School into a school of law and jurisprudence, in which, from his entrance to his graduation, the student will realize that law is a science as well as a business, that a lawyer must be a public servant and not merely his client's employee, and that a full measure of success in the future practice of the law is going to require a mastery of the law as a science. Quite consistently with this fundamental aim, the School does not intend to lessen its emphasis on those matters that seem to be of even more immediate need to the practicing lawyer. On the contrary, in addition to intensive work in the more usual courses on the substantive law, special courses in both court and office practice and in the use of libraries are now offered by men specially fitted by experience to give such courses. Professor Borchard, the former Law Librarian of Congress and a Solicitor in the Department of State, will give practical exercises in the use of the law reports, digests, encyclopedias, and treatises, and in the search for authorities. The teaching of court practice and office practice, by Professors Morgan and Dunn, will include the formalities of procedure, the preparation of pleadings, the drafting and criticism of wills, contracts, deeds, charters of incorporation, and other instruments. This work requires an intensive application of rules of substantive law to the everyday problems of the court and the office. Thus these courses will supplement in both a practical and a scientific way the work given in other courses, and will clarify the student's knowledge by the test of actual application.

Auxiliary Course

As a part of the work of the first year, a new course has been created, to be known as an auxiliary course of readings, discussions and instruction in methods of research. For many years Professor Baldwin has given an introductory course dealing with the organization of courts, the forms of procedure, and related matters. This introduction will continue to be given, and will constitute a part of the auxiliary course. As another part of it, Professor Borchard will give instruction, somewhat later in the year, in the use of the library and in methods of looking up the law. In addition, the course will consist of certain required readings, including...
some general outlines of legal history, an introduction to jurisprudence, articles explaining the fundamental legal concepts that underlie all the branches of the law, and other introductory material. An examination will be held in this course as in the other courses.

The General Curriculum

The work of the first year includes courses in contracts, torts, criminal law, common-law pleading, agency, property and equity. These are required of all students. The work of the second and third years is wholly elective, subject to advice. Among these elective courses are courses on Roman law and modern developments, analytical jurisprudence, legal history, and international law. The great bulk of the work of these years is, of course, work in the customary branches of substantive law, taught by the case method. The professional curriculum is designed to prepare for the bar of any state in the union. For those who desire it there offered a special course devoted to the difficult statutory doctrines of trusts, powers, charities, perpetuities, etc., initiated by New York and copied by Michigan, Wisconsin, Minnesota, the Dakotas, California, and other western states. Similarly, a regular case-book course is offered in the law of mines and irrigation.

Publication and Research

The members of the Faculty have already been active in the field of publication, and such activity will be further encouraged to the utmost. Professor Baldwin has for many years been exceedingly productive as a writer of books and articles, and as a member and officer in many learned societies. Professors Cook, Corbin, and Hofrief have already published numerous articles in leading law magazines and have case-books and treatises in preparation. Professor Lorenzen has published a case-book on the conflict of laws, and numerous magazine articles. Professor Borchard has been exceptionally active in publication on matters relating to international law and foreign systems of law. Professor Wurts has published works on real property, and various periodical articles. The Yale Law Journal is being rapidly improved in all respects as a journal of law and jurisprudence, and has received very flattering notices and reviews in the most recent numbers of the Law Quarterly Review, edited by Sir Frederick Pollock, and in the Canadian Law Times, edited by Professor Lefroy, of the University of Toronto. The School takes an active interest in the work of the Association of American Law Schools, and will work steadily for the establishment of a Council of Legal Education, for the improvement of the law schools of the country, and for a steady increase in the requirements for admission to the bar. The welfare of our country demands that the practice of the law, no less than work on the bench, shall be regarded as public service and not merely as a means of livelihood. Most of the members of the Law Faculty have already taken active part in the meetings of the Association.

Hendrie Hall, the Law Building

A school's effectiveness does not depend primarily upon its building, yet it is a matter not without importance. The present law building has many admirable features. It is of modern construction, its class-room facilities are adequate, the reading rooms for the students are well lighted and immediately adjacent to the bookstacks. The professors are supplied with excellent offices on the library floor, and have every encouragement for scholarly research and for student consultation. The building is most conveniently located, facing the New Haven green, adjacent to the Yale College buildings, and only a few steps from the main University libraries, the dormitories, and the dining hall. Only a block away is the new marble court house of New Haven County, in which sit the Supreme Court of Errors, the Superior Court, and the Court of Common Pleas. The new and handsome Federal Courthouse is within two blocks of the law building.

The Law Library

The rapid growth of the library will soon compel the addition of new shelf-room. The library now occupies the entire top floor of the building, except such space as is taken by offices of the members of the Faculty. There is a stackroom in the middle, with two large reading rooms for students, in all of which the students are freely permitted to consult the volumes on the shelves.
The library contains some 42,000 volumes. These are quite sufficient for all ordinary uses, and whenever from time to time additional books are needed by students for special purposes, funds are available for their immediate purchase. The experience of Professor Borchard in purchasing in foreign countries for the Law Library of Congress, will be of the greatest service in making additions to the Law School library in the field of foreign law.

It is hoped that this account of the condition and equipment of the Yale Law School, despite its somewhat statistical form, may be of interest not only to law graduates but also to graduates of other departments of the University. Yale graduates ought to be interested in the Law School, for the recognition of Yale as a true university depends upon the strength of its professional and graduate schools even more than upon the strength of its undergraduate departments.

II. The Yale Law School of the Early Seventies

By SAMUEL O. PRENTICE, B.A. '73, LL.B. '75, LL.D. '13
Chief Justice of the Supreme Court of Connecticut

I take pleasure in responding to the request for a brief reminiscence article concerning the Yale Law School at the time of my connection with it.

I entered the School in 1873, immediately following my graduation from the college. That was only a year or two after its reorganization following the death of Judge Daggett in 1869 and its entrance upon the second stage of its development. Judge Daggett, for a few years alone and previously for some ten years with a single assistant, had conducted the department. Upon his death, three public-spirited members of the New Haven bar were placed in charge. To their number a fourth was subsequently added, and, during the year previous to my entrance, they were made professors. These men were Francis Wayland, who was made Dean, William C. Robinson, Simeon E. Baldwin, and Johnson T. Platt. They, with a few occasional lecturers, constituted the teaching force during my student days. Quarters were provided for the School in the upper story of the Court House building on Church Street where the Dean's office, library, and two recitation rooms were located.

My class numbered seventeen at graduation. The total membership of the School during my two years was forty-six for the first year and fifty-three for the second. The course was one of two years only, and the instruction, like that in all law schools of that day, was through the use of text-books and lectures. We thought that it was good, and it doubtless was quite up to the standard of the time. Teaching is after all to my thinking more a matter of men than of methods; and the School in those days was blessed with men who were especially gifted as teachers. Ample proof of their success may be found in the number of its students of that earlier time who were successful in their profession. Of my own class, for instance, one became a governor, four, at least, became judges and others came to occupy honorable place at the bar.

In those days there was little of social life in the School, and few opportunities for it were afforded. For the most part we came and went several ways, and had little personal contact with each other save in the class-room. The quarters which the School occupied were our work-shop, and little else. Even its library had scant knowledge of us save as occasional emergencies presented by moot court cases or other situations out of the ordinary led us to consult its well-preserved volumes.

As I summon up these memories of the old days there comes upon me a realization, such as I have never before had, of the great changes and advances which have been made within my memory in law training generally and in law-school training in particular. When I was a student at law, law-school study was considered by no means an essential to suitable preparation for practice, and was the exception rather than the rule. Whether in office or in school, two years' study was regarded as sufficient. Now three years is the almost universal requirement, and that requirement is so hedged about by examinations that the study has of necessity to be undertaken seriously, and, if the best results are to be achieved, with the facilities and advantages which law schools afford. The law school of to-day is a very different place from what it was in my student days, and the Yale Law School forms no exception. If a frequenter of the top story in the old Court House building in the early and middle years of the '70's, who had passed his later life in distant
lands, should now come back and drop in at Hendrie Hall, see its enlarged accommodations and equipment, observe its students busily engaged in poring over the well-thumbed volumes of its library, follow them as they gather in the class-rooms of more than a dozen professors and note above all the serious and studious air which pervades the whole, I suspect, share some of Rip Van Winkle's feelings as he awoke from his long-time sleep. It is only when sharp comparisons like that are forced upon one that he takes in the full significance of what has been taking place. As much as there is to be said in favor of the School as I knew it forty odd years ago, I am obliged to confess that the story of its work and accomplishments reads rather tamely beside that which might be written of its present-day activities and plans for a larger future already unfolding.

III. The Renaissance of the Law School Half a Century Ago

By C. LA RUE MUNSON, LL.B. '75, M.A. '91
Ex-President of the Pennsylvania State Bar Association

Connecticut may well be proud of the fact that it was the first State to show the great advantages of systematic law-school training as a preparation for practice at the bar and for great public service as judges and statesmen. The first law school of the country was founded by Judge Tapping Reeve at Litchfield, Connecticut, in 1784; and its work was from the beginning so successful that it rapidly won a national reputation and attracted as students able and ambitious young men from all parts of the Union. Prior to its discontinuance in 1833, this School had sent forth more than a thousand lawyers, whose legal education and preparation for professional and forensic success is shown by the honor list of her graduates: sixteen United States Senators, fifty members of Congress, five Federal Cabinet officers, ten State Governors, forty Judges of state courts of last resort, eight Chief Justices of State Supreme Courts, and two members of the bench of the Supreme Court of the United States.

In the meantime, that is in the first decade of the 19th century, what was later to become the Yale Law School was organized in New Haven by Seth P. Staples, a graduate of Yale College of the Class of 1797. A list of the School's students appeared in the Yale Catalogue for 1824. From the year 1843, when the degree of Bachelor of Laws was first granted, and during the period of about twenty-five years, there was a considerable lessening of the number of students, if not actually of interest in the School, although numbered among the graduates of those years are names which shine in the annals of American jurisprudence.

At the period of its greatest depression, when it had become not much more than a place of meeting for a few local students, the Yale Law School entered upon its renaissance. Four men volunteered their services as professors—lawyers whose abilities were well fitted for the work and whose self-sacrifice for many years resulted in a long beardless of graduates, many of them of great eminence in the profession and gracing the American bench and bar. All of them would rise to do honor to those who so successfully re-established the School and renewed its fame and prestige. Short sketches of these benefactors are but fitting here.

The Honorable Francis Wayland, for many years its Dean, gave to the Law School a standing of high character, while he himself was an example of the cultured lawyer and gentleman. Of high attainments, of resourceful energy, of distinguished birth and education, with a charming personality, Dean Wayland was a diplomat whose services in raising funds for the School gave us Hendrie Hall, an excellent law library, and endowments of great benefit to the institution.

Professor Johnson T. Platt, the first of these associates to be called away, and in the vigor of comparative youth, was a lawyer of great ability, a successful teacher, and a lovable man, who brought to this work an enthusiasm that won the applause and affection of his students, upon whose plastic minds he indelibly wrote many of the great principles of the law.

Professor William C. Robinson had no superior, and few if any equals, as a teacher of the law, especially in its elementary branches, his elucidation of the mysteries and hidden meanings of Blackstone to the novitiate being the work of a master. It was impossible to sit at his feet without absorbing the law as one does the atmosphere in breathing. Nor should his name be overlooked, preserved as it is in many legal works, particularly in elementary law, forensic oratory and a treatise upon patent law; works which never grow old: the first being a constant aid to the beginner, the second to the lawyer whose duties are of the court room, and the last to the specialist.

Last in order, only because he is spared to us, but in all ways easily the first in the hearts of the Yale Law School men of the last half century, towers the name of Simeon E. Baldwin. Lawyer, teacher, writer, publicist and statesman, he excels in all, while he has filled the eminent positions of
President of the American Bar Association, Chief Justice of Connecticut, and Governor of that State with such distinguished success as to reflect honor and lustre upon those great offices, and to earn the plaudits of the bar of the United States and of all his fellow citizens. One can speak with less embarrassment in praise of those who have gone than of the living, but such affection for Professor Baldwin overflows my pen as must earn my pardon for want of restraint; yet in doing so I voice the sentiment of the graduates of the Yale Law School during the last fifty years, who owe to him a debt of gratitude which nothing can prevent them from expressing when an opportunity such as this arises.

It was when these four men, young, endowed with ability, mental vigor and zeal, and possessed of physical strength, had begun to restore the Law School to its former place that I was brought under their influence in 1873, graduating in 1875, and securing through their teachings such an understanding of the basic principles of law, and a knowledge of their proper application to everyday facts, that if I have as a general lawyer, and a member of the Bar, have had opportunities to judge of the work of the Yale Law School for about forty-three years, and have been confirmed in my opinion as to the many advantages it has to offer to students of the law.

Teaching basic legal principles and their application as shown by a close analysis of actual cases, the School gives her students a training which leads to a real mastery of our profession. With her present splendid corps of resident professors, headed by her able and vigorous Dean, we may expect from on students. Mater even greater results in the future than in the past.

Soon the Yale Law School will come to her centennial, and it is my earnest hope that by that time greater and greater numbers of able and ambitious college graduates will have sought the opportunity for the best of legal education which she so well affords.

IV. Law School Recollections of a Later Period

By SHERMAN L. WHIFFLE, B.A. '81, LL.B. '84

Of Whipple, Sears & Ogden, Boston; Special Counsel in Charge of the recent Congressional "Leak" Investigation

I revolt at the thought of writing "reminiscences." These things I look upon as pleasures and diversions of old age. They suggest retrospect and retirement. They make no part of the thoughts of one who still with hope looks forward to achievement.

If, however, it will interest the readers of the Law School number of the ALUMNI WEEKLY to know something about the Law School some thirty years ago, I am willing to contribute some facts and impressions which I remember.

In 1883-1884 the number of students attending the Law School was small in comparison with the enrollment of later years. This condition, however, gave to those who arailed themselves of the privileges of the School an excellent opportunity for education as lawyers, for those who did the bulk of the teaching were remarkable instructors, lawyers of great ability, and men who inspired their pupils. The small number of students made possible personal contact and inspiration, which are usually lacking in the larger schools. The advantages of association with four men whom I still remember and admire have always seemed to me to have been of the greatest importance. I have always felt satisfied with what the School did for me as a student.

Professor William C. Robinson was our instructor in elementary law. He had a wonderful ability for statement of fundamental principles in clear, terse, and cameo-cut sentences.

Our instructor in corporation law was Professor Baldwin, then in active practice of the law,—later Chief Justice of the Connecticut Supreme Court and Governor of Connecticut. He was most inspiring as an instructor, and a great lawyer. I carry still in my mind a part of his remarks in his closing talk at graduation: "Never give a client reasons for an opinion," he said. "In the first place, it is your opinion he wants, and not your reasons. Then if your opinion be sound, it needs no reasons to support it. If it be unsound, the best of reasons will not save your opinion or give your client confidence in it. Furthermore, it is quite possible that you may give a sound opinion and yet your reasons for it be so unsound as to destroy your client's confidence in you."

It would be difficult to compress more wisdom within the limits of so few words.

The late United States Circuit Judge Townsend and Professor Johnson T. Platt instructed us in contracts and torts, respectively. They were both men of unusual intellectual ability and of rare capacity for imparting knowledge, making the study of law interesting, and teaching the students how to use their own minds and reasoning powers.

I feel that the Law School owes a great debt to these four men. I cannot help thinking that the position which it has attained and its very creditable success are largely due to their arduous industry and inspiring characters. For myself, I feel a personal debt of gratitude to each one of them.

V. Yale's Graduate Course in Law and Jurisprudence

By SIMEON E. BALDWIN, B.A. '61, LL.D. '16

Ex-President of American Bar Association, ex-Chief Justice of the Connecticut Supreme Court and ex-Governor of Connecticut

The three men put in charge of the Yale School of Law, when it was re-organized in 1869, made it, from the first, one of their leading endeavors to give adequate instruction in law as a science as well as an art. Reciprocal arrangements were soon made with the University authorities by which law students could attend one or more of the special courses of graduate study in the philosophical department. These
before, in his semi-centennial "Historical Discourse," that study of public law, Roman law, comparative jurisprudence, constitutional history, and political science had thus been made more prominent at Yale, than it ever had been before at an American law school. At this time, instruction was given in the undergraduate course (besides the topics then taught in law schools generally) in general jurisprudence, life insurance, forensic composition, English constitutional law, medical jurisprudence, international law, Roman law, ecclesiastical law, and patent law.

Early in 1875, the Faculty were asked by some members of the Senior Class, if there could not be some further instruction given to them, after graduation, in advanced law studies. This request was taken into careful consideration and resulted in the organization of a small graduate class at the opening of the next college year (1875-6). It consisted of three entering as "Non-resident members of Post Graduate Course, not candidates for a degree." Two were from the class graduated as bachelors of laws in 1875, and one was a graduate of another law school.

The instruction which they received was by correspondence. A course of reading was prescribed for each in view of his previous studies and circumstances. Most cases, in which they were to draw the pleadings and prepare written briefs, and subjects for theses, were given out from time to time. They were required to be present at New Haven, at least once a year, for oral examination on the works read, and received a suitable certificate if the examination was satisfactory.

Before the expiration of the first year of experiment under the plan, the Faculty, with the hearty encouragement of ex-President Woolsey, presented to the Corporation of the University, a formal plan for a post-graduate course, which was promptly approved. In substance it was this:

The degree of Master of Law (M.L.) will be conferred by the corporation of Yale College, on the recommendation of the Faculty of the Department, on persons, who, after having taken the degree of bachelor of laws, pursue, during at least one year, such a course of advanced studies as the Faculty may direct.

Bachelors of Laws, who also have the degree of Bachelor of Arts or of Philosophy, or who, having the degree of L.L.B. from this college, ranked among the first quarter of their class in scholarship, according to their average marks at their final examination for that degree, may, after having taken the degree of M.L., apply for that of Doctor of Civil
Law (D.C.L.). All applicants for the latter degree must have a good knowledge of Latin, and also of either the French or German language. The course of instruction will extend over at least one year after taking the former degree, and the Faculty will recommend no one for the degree of D.C.L., who has not attained a high proficiency in the studies pursued.

Neither degree will be conferred, except upon candidates who pursue their studies at New Haven, under the direction of the Faculty, pass with credit a strict final examination, and present a satisfactory thesis.

The proposed course will be partly supplementary to the regular undergraduate curriculum, giving further instruction in branches there pursued, and partly adapted to the wants of those who aim at acquiring a thorough acquaintance with jurisprudence and its affiliated studies, as a means of completing their education without immediate reference to practicing the profession of law.

The following is a general outline of the proposed course:

*For candidates for the degree of M.L.*

General Jurisprudence, continued; Medical Jurisprudence, continued; Roman Law, continued; Judicial Procedure and Practice; Procedure in the Courts of the United States, and in States having a Civil Code; Admiralty Law; Administration of Estates; Forensic Oratory, continued; International Law, continued; English and American Constitutional History.

*For candidates for degree of D.C.L.*

Roman Law, continued; Political Science and History; Principles of Legislation; Political Economy; Ethics; Comparative Jurisprudence; Study of Modern European Legislation; Parliamentary Law; Sociology; Conflict of Laws.

A class of ten was formed under the new scheme, at the opening of the next college year (1876-7). Eight were graduates of the Yale Law School, one of the Columbia Law School, and one of that of the University of Maryland. Some of the classes were given in the evening, at the houses of the professors: some at their offices, in the afternoon. The exercises were informal, and took the shape largely of a round-table talk and discussion. Sometimes there was but a single man who took the studies of the second year, and he met his instructor for an absolute four-hour period.

In the "Yale Book" of 1879, Professor Wayland, then the Dean of the Law School Faculty, thus concludes a lengthy notice of these new opportunities for advanced instruction in legal science:

The graduate course has been thus enlarged upon, from its interest, as the first real experiment in this direction made upon this continent. More or less instruction has at times been given to Law School graduates at the Law Schools of Harvard, Cincinnati, Iowa University, and perhaps elsewhere; but it has never before taken the shape of a definite and permanent scheme of advanced legal education carried with it the ordinary academic accompaniments of examination, thesis, and degree.

Among the informal movements previously made in this direction may be mentioned a serious attempt, in 1843, to organize two distinct courses among the undergraduate students in the Law School, one to be known as "The Professional Course," confined to preparation for the bar, and the other for advanced studies in jurisprudence, as a branch of liberal education. A six-months' course of lectures was given, under the name of the "General Course," and another promised, if a class of twenty could be made up to attend them; but the twenty were not to be found, and the scheme was dropped.

The member of the Class of 1875 most active in urging the establishment of a graduate course in law at Yale, was one of the first to take it, when established. This was George Mathews Sharp of Baltimore, afterwards made a Doctor of Laws by Washington College, and a Judge of the Supreme Court of that city. He also lectured at the Yale Law School on Insurance. For many years he was a leading member of the Committee of the American Bar Association on Legal Education and, at the time of his death in 1911, was chairman of its Section of Legal Education. In 1877 he drew the elaborate report made to the American Bar Association and adopted by it, in favor of requiring three years of study for the degree of LL.B. It is a pleasant thing for Yale to remember, that one of the first graduate class in her School of Law sold large a share in advancing legal education in America.

Besides, graduates of the Yale Law School, there has been an attendance of graduates from fifty-four other law schools, from 1875 to 1916, each inclusive, as follows: Boston, 1; Brooklyn, 1; California, 3; Cincinnati, 1; Columbia, 3; Cornell, 2; Cumberland, 1; Denver, 1; Dickinson, 1; Drake, 18; Georgetown, 2; George Washington, 7; Habana, 1; Harvard, 1; Idaho, 1; Illinois, 1; Illinois Wesleyan, 1; Indiana, 14;
VI. The Yale Law Journal

By Charles E. Clarke, B.A. '11, LL.B. '13

Graduate Treasurer of the Yale Law Journal Company, member of the New Haven Bar, and member of the Connecticut House of Representatives

"Observe, reader, your old books, for they are the fountains out of which these resolutions issue," says Coke in a note to a famous old case which he reports, and he adds as an excuse for setting forth certain legal distinctions which he deduces from the old cases, "but perhaps by these differences the fountains themselves will be made more clear and profitable to them who will make use of them." And the "reolutions" and "differences" which he proceeds to draw from the old cases have settled to this day, even more than the old cases themselves, the law governing covenants running with the land.

In this statement of the great jurist we have epitomized the purpose and raison d'être of the modern law review. Judicial precedents and legal history explained by a trained mind are the basis for that legal science, lack of acquaintance with which is the explanation of so much of the present bad law. As Professor Wigmore has pointed out in his illuminating preface to the Supplement to his work on Evidence, among the best sources of knowledge available to the administrator of the law are "some half a dozen legal periodicals, publishing the weightiest critiques of current legal problems."
THE YALE SCHOOL OF LAW

It is in this field of human endeavor that the Yale Law Journal has played its part.

The Yale Law Journal is one of the oldest law reviews published by schools of law in the United States. It owed its origin to the efforts of a club composed of members of the Law School, and was founded in 1897. The leader was among the early editors was Edward G. Buckley, later professor in the Law School, and now vice president and general counsel of The New York, New Haven & Hartford Railroad Company. So far as the existence of the Law Journal can be attributed to one man, the credit must be given to Mr. Buckley; but it was the un

tiring efforts of the extremely able body of men who formed the first editorial board that insured the success of the experiment. Their aims were set forth by their chairman, William E. Aiken, in an editorial appearing in the opening number of October, 1891.

It was peculiarly appropriate that the first article published in the columns of the Journal, an article entitled "Voting Trusts," should be from the pen of Simeon E. Baldwin, then President of the American Bar Association; for Governor Baldwin has been the most frequent and loyal of all its contributors. In the library of the Law School hangs his portrait, with this inscription: "Presented by Students, Past and Present, through the Yale Law Journal, 1901-1902."

The Journal was successful from the first. At the end of the first year, under the skilful management of Samuel A. York, Jr., its first treasurer, it showed a slight profit. This was substantially increased by the second treasurer, Harry G. Day, now a leading member of the New Haven bar and a Fellow of the Yale Corporation. The profits earned during these first years formed the nucleus of a trust fund which is still at the disposal of the Journal.

After the first year the editors were chosen by competition from among the members of the lower classes. Prospective "headers" were required to prepare comments on recent court decisions for publication in the Journal, and those who ranked highest submitted original articles on legal questions as a final test of merit. Later it came to be the custom for the editors to prepare all comments which were published, while the competitors were chosen on the basis of articles submitted. Still later and until recently there was a reversion to the older practice, and those seeking editorial positions were required to submit notes and criticisms of recent decisions, the best of which were published in the departments of "Comments" and "Recent Cases."

The competitions attracted the best minds in the Law School and were always exceedingly keen. The experiences gained in writing up authorities and in arguing the legal deductions drawn therefrom was invaluable. Those graduates of whom the Law School has had the most reason to be proud in late years have almost without exception been Journal editors. The younger generation of the Connecticut contributions are for the most part among this number; and former editors are found filling honorable positions in their profession, throughout the country, even to distant Hawaii, where an ex-chairman is the honored presiding judge of the United States Court.

Recently, however, along with other changes in the School of Law, have come changes in the policy of the Journal. More than ever its managers have set before themselves the ideal of the true law review, to publish only contributions which add to the sum total of legal knowledge. Hence has come the reason for the omission of those "Alumni Notes" so familiar to old Journal subscribers, for they covered a field which can better be supplied by the ALUMNI WEEKLY. Hence also have come greater Faculty interest and more frequent Faculty contributions. And hence has come the change in the method of selection of the editors whereby the benefits accruing to the students from the competitions have been subordinated to the higher quality of the Journal itself. Editors are now chosen by the Faculty from among those students who by scholarship, literary, and other tests, have shown their fitness for the work; and such undergraduate productions as now appear in the Journal are the work, not of competitors from the lower classes, but of picked law-classmen working as occasional advice and suggestions from various quarters of the Faculty.

In each number of the magazine there are now four de-

partments: first, the articles, from three to five in number, from legal scholars in this country and in Europe; second, the department of "Comments," these being extended criticisms of recent leading decisions; third, "Recent Cases," a resumé of other important recent decisions and their relation to existing judicial precedents; and fourth, "Book Reviews," where current legal literature is reviewed by competent selected writers. Greater stability of business control has recently been obtained and this has shown itself in the constantly improving typographical appearance of the Journal.

Probably in the long run a law review will stand or fall by the character of the leading articles which it publishes. One hardly realizes how many important and interesting articles have appeared in the Yale Law Journal until he turns the pages of the twenty-five volumes already in existence. It is no small source of pride to us that one of our own professors has made through its columns important contributions to the subject of contracts and quasi-contracts. And we may congratulate ourselves that here too appeared from the pen of a profound legal scholar, whom we have since made our own, what has been quite generally conceded to be the clearest existing analysis of the fundamental conceptions of legal reasoning. There is a perennial demand for some of the articles.

The present volume, which opened with an important contribution to legal history by Dr. William S. Holdsworth, of Oxford University, has been particularly rich in the quality of the articles published. The January Law Quarterly Review, edited by Sir Frederick Pollock, published a half-page review of Dr. Holdsworth's article, saying in effect that this would be the final word on the subject for some time. The January Canadian Law Times, in a department which aims to call attention only to what seems most striking and important in law reviews from different parts of the Empire and from the United States, gives first place to a two-page review of the December Yale Law Journal. The announcement by the Journal editors of forthcoming articles shows that there will be no dearth of interesting material in the near future. There is the promise of a contribution by Professor Antoine Pillet, of the University of Paris Law Faculty, one of the greatest living authorities on the Conflict of Laws; a contribution by Professor Erwin Gruber, of the University of Munich Law Faculty, who will write on present problems of legal education in Germany; a contribution by Dr. Thomas Baty, of the Inner Temple, London, together with a monograph on the history and legal status of the
milita from Major Ansell, Judge Advocate of the United States Army.

As the present School of Law deserves the support of all Yale men, so also does the Yale Law Journal. The words of that first brilliant chairman written in summing up the first year of the Journal's existence are as true now as when published in June, 1892, where, expressing a natural sense of pride in the work accomplished, he regrets the fact that more of the alumni have not subscribed; and with the hope that “sunny years of prosperity lie hidden in the future for the Yale Law School” he adds:

"It is to the alumni of the future, not of the past, that the Law Journal appeals most strongly. Is it not worth while for each in this way to maintain his connection with the school? To say nothing of the practical value of the magazine, it is certain that we often appreciate too little and lose too quickly our connection and interests in these institutions of learning as we go out from them. Professional schools particularly are looked upon very much as a salesshop of knowledge. Payment of tuition fees ought, perhaps, to be the beginning, but certainly not the end of our interest in them. There is in reality nothing in the world which demands our loyalty and gratitude more than these centers of knowl-

edge, with their clusters of distinguished men. They rescue from the drudgery of the past and perpetuate from age to age in every profession the noble standards and the rounded knowledge which make the dull details and toils of every occupation brilliant with the light of aspiration. And when that light is lost from any reason whatever, their highest usefulness to mankind dies with it."

VII. The Law School Alumni Association

For many years the graduates of the Law School have maintained an active alumni association. The habit of returning to the Commencement exercises of the School is steadily growing, and the Alumni Luncheon is a very popular function. In recent years addresses of the most interesting character have been delivered at the luncheon by ex-President Taft, Mr. Justice Riddell, of Canada, Mr. Justice Pitney, of the U. S. Supreme Court, and many other men of great distinction.

Under the energetic and inspiring leadership of President Charles H. Sherrill, the Alumni Association is now playing a more important part than ever before in the life and progress of the Law School. There is no doubt that it can be of the greatest service in bringing the younger graduates into contact with the best law offices, in maintaining scholarships, in securing gifts of books for the library, in building up endowment for the development of instruction and research in the science of jurisprudence, and in educating the public at large in the necessity of establishing much higher educational standards for the bar and for the bench.

The names of the present officers of the Alumni association are given below:

President
Hon. Charles H. Sherrill, '91 L.

1st Vice President
Hon. Samuel O. Prentice, '75 L.

2nd Vice President
Edward G. Buckland, '92 L.

Secretary
John W. Egerton, '00 L.

Executive Committee:
Henry F. English, '74 L.
John K. Beach, '79 L.
Harry G. Day, '93 L.