the Revolution is then taken up, and the states divided into four classes: (1) Code States; (2) States which "go far in what may be termed the *enactment* of the common law, and in *addition*, also; (3) States which are generally inclined to add to, or occasionally to alter, the common law, rather than to enact it over in their statutes," and (4) "the conservative states, which retain the common law most nearly intact."

An interesting sketch of the history of the movement for national unification of law then follows, showing the steps which led to the appointment of state commissions, the promotion of the conference, the slow but certain gain from year to year, and the particular subjects which have thus far recommended themselves to the attention of the commission.

To quote from this, the portion of the pamphlet of the greatest practical importance and interest to the reader would occupy too much space. It is only necessary to say that every lawyer who is appreciative of the good practical results to be obtained by the success of the movement for Uniform Legislation should not fail to read what Mr. Stimson has to say about it.

W. S. ELLIS.

CURRENT EVENTS

OF GENERAL LEGAL INTEREST.

The Deaths of Mr. Justices Strong and Jackson

The deaths within the past sixty days of Howell E. Jackson and William Strong—the former an active member and the latter a retired member of the Supreme Court of the United States—call for special notice in the columns of the LAW REGISTER. Both had attained the highest judicial station, and both had given the most substantial evidence of great judicial ability, but the friends of both must deplore the fact that neither rounded out a great judicial career, as Bushrod Washington, Story, Miller and Bradley did. This was not due to want of capacity, nor in the case of Justice Strong, to want of opportunity. Ill-health overtook Justice Jackson shortly after his appointment and seriously crippled his powers, while Justice Strong voluntarily resigned his high office after ten years of

service, at a time when he was in the full vigor of health and at the height of his usefulness as a Judge. Had he retained his place, his judicial reputation would have been higher and the value of his services to the jurisprudence of the nation would have been doubled. This, is true, because judicial reputations ripen slowly. It takes time to make a great judge. No new member of a court, however able, can impress himself either upon his colleagues or the country. He lacks the authority which is due to age and experience, and, although distinguished in other and subordinate positions, he lacks also the influence which flows from a long association of the man with the office, which will lead in time to popular reverence and to general submission to his words as those of an oracle of the law. Had Marshall or Taney or any of their great associates, retired from the bench at the end of ten years, how small comparatively would have been their fame, and how meagre their contributions to federal jurisprudence. Had Moore, or Trimble, or Barbour, or Woodbury, survived for a period of twenty-five or thirty years of active judicial service, would it be necessary to look out their names in a biographical dictionary to ascertain whether they were ever members of the highest court in the nation?

Justice Jackson served but little more than two years, a term shorter than that of any previous member of the court, except Robert Trimble. He had large experience in public life, had been a Senator of the United States, and a Circuit Court Judge, before he was called upon to ascend the Supreme Bench by President Benjamin Harrison—whose judicial appointments were always governed by a high sense of professional duty and a remarkable sagacity in detecting judicial merit. As a Circuit Judge, Mr. Jackson was eminent. No student of the many volumes of the "Federal Reporter" can fail to be impressed with the clearness, the force, and the learning of his judicial utterances. A good example of his power to deal with a complicated state of facts, and of law, and to control a jury by a luminous exposition of principles, is to be found in the case of the *United States* v. *Harper*, 33 Fed. Rep. 471—one of the famous cases of conspiracy to cheat and

defraud a national bank by a wilful misapplication of its funds and credits. In fact, it was as a criminal judge that Justice Jackson is to be regarded at his best, and in the part which the Supreme Court of the United States has been called on to play under the Act establishing Circuit Courts of Appeals, conferring as it does an extensive appellate jurisdiction in all criminal matters, he has borne a full share and won a fair measure of renown. The manner in which he has pointed out that no writ of *habeas corpus* is to be made the substitute for a writ of error is memorable, while his utterances in cases of murder are important and striking. His constitutional judgments are but few, and not likely to attract attention, save upon the question of the Income Tax, which will always be enhanced in interest by the thought that his opinion was given at a time when death had set his seal upon him, but when the mind rallied to a most unselfish performance of duty, at a critical period of a discussion which attracted universal attention and involved interests of the greatest magnitude.

Justice Strong had been nearly fifteen years in retirement, but it will be recalled that he outlived a most unreasonable and unfounded prejudice against his appointment, owing to his views upon the Constitutionality of Legal Tenders—views which he had expressed in *Schollenberger* v. *Brinton*, 52 Pa. 1, years before—the soundness of which will never be questioned by those who believe that this country is a nation, and not a loose league of states. It is said that he was Mr. Lincoln's choice for Chief Justice of the United States, but that potential reasons led to the appointment of Mr. Chase. As a member of the Supreme Court of Pennsylvania, Judge Strong had established a reputation for learning and power second to no one of his day, and he carried into the Supreme Court of the United States the qualities of robust common sense, close logic trained in the school of John Locke, and a judicial style which is an admirable model of terse and clear expression. In the important work of extending Federal power to the full and adequate protection of Civil Rights without forgetting the distinction between acts done by individuals and acts done by states, he was especially conspicuous: *Tennessee* v. *Davis*, 100 U. S.

257; *Reynolds* v. *United States*, 98 U. S. 145 and *Strauder* v. *West Virginia*, 100 U. S. 303, are interesting examples of his methods of reasoning. At the time of his resignation "his eye was not dim, neither was his natural force abated," and nothing but the sincerest regret can attend his own voluntary act by which, in the midst of a most important and influential career, he became *judice mortuus*. HAMPTON L. CARSON.

Prof. Huffcut's Address on "The Relation of the Law School to the University."

Owing to the ever increasing importance of the subject of legal education, and particularly to the recent discussion as to the merits of the various systems of teaching, the address of Prof. E. W. Huffcut, of the Cornell University School of Law, upon "The Relation of the Law School to the University"[1] will be read with much interest by all members of the profession not fortunate enough to hear it delivered. The following brief resumé of the address, prepared by the author's courtesy for publication here, will convey a general idea of the conclusion at which Prof. Huffcut arrives:

There were seventy-three law schools open during the past year in the United States for the reception of students. Of these all but seven are connected with the colleges or universities.

Nearly nine thousand students were enrolled in these schools, of whom but twenty per cent. were college graduates. In fifty university law schools the average of college graduates was but ten per cent. In these same schools there are practically no requirements for admission, and when there are any requirements they fall considerably below the requirements for admission to the Freshman class of the college.

The university law schools owe it to themselves and to the profession to lift these standards of legal education. Until very recently there has been no relation whatever, save a nominal one, between the law school and the university. While the standards for admission and graduation in the Universities have steadily advanced, the law schools have made

[1] Delivered before the American Bar Association at its Annual Meeting in Detroit, August, 1895.

little improvement in requirements for admission or in the matter of conforming to university standards of education.

Some advance, however, has been made, though curiously enough it indicates a wide difference of opinion as to the nature of the relation of the law school to the university. Thus far the attempts to create a real relation between the two have taken three quite distinct directions, which, for convenience, may be termed the Harvard plan, the Stanford plan and the Cornell plan.

The Harvard plan is to treat the law school as practically a graduate department of the university. Beginning with the academic year, 1896–97, only those having a baccalaureate degree in arts, literature, philosophy or science from some approved university or college, or those qualified to enter the senior class of Harvard College, will be admitted to the school as candidates for a degree. This insures an adequate preliminary education and is a long step toward raising the standards of legal education. It is obvious, however, that very few schools can venture to follow this leadership for the present. It would be unwise to adopt everywhere a standard which would drive the bulk of the students back into the offices for their legal training.

The Stanford plan is to treat the school as practically an undergraduate department of the university. Students in that university elect any one department for the major part of their work, and, for the purposes of this election, law is placed upon precisely the same basis as any other department. It follows that the requirements for admission are the same for all students whether their major work is law or literature or any branch of the humanities or of science. Those electing law are graduated with the degree of Bachelor of Arts in Law. A post-graduate law course is projected, open, like other post-graduate departments, to graduates who have specialized during the undergraduate course in the corresponding subject. This plan seems an admirable one, but it can be adopted only in universites having a curriculum similar to that of Stanford.

The Cornell plan is to treat the school as an independent organization within the university, but to relate the school to

other departments by permitting juniors and seniors in the University to elect subjects in the law school equivalent to one year of law work, and count the same toward the baccalaureate degree in arts, philosophy or science. If the remaining work of the school is taken after graduation the degree in law is then conferred. By this plan the student shortens the combined work of the college and law courses by one year. The law students who do not come to the school through the university are permitted to elect studies in the college, particularly in history and political science. Some students of this class take a year longer for their law course than is required, and enlarge the course of study by elections in other departments. This plan is followed already in several universities, and it seems with entire satisfaction.

Of the three plans of relating the law school to the university, the third seems, under all the existing conditions, the most practicable. It needs, however, to insure higher qualifications, one additional feature. At present a student may enter the school with a preliminary education lower than that required for admission to the college, and take only the required law work. The door is still open for those who are inadequately prepared. To meet this defect there are two possible remedies. The first is to raise the entrance requirements to about what would be required to enter the the junior class of the college. The second is to require those students who do not come to the schools through the university to take a year longer for their course than those who do, and to occupy the additional time thus required in studies selected from the college. Each of these alternatives has much to commend it, and perhaps there is little to choose between them. Either would certainly raise the standards of legal education.

The University Law Schools ought to face these problems and solve them. The cause of legal education, and therewith the most vital interests of society, is in their hands. The law office is fast losing its function as a training school. The schools are more and more to educate the members of the profession. They ought to educate them in the true university spirit, broadly and deeply, not as makers of craftsmen but as promoters of legal scholarship.