

LEGAL EDUCATION.

At the annual meeting of the Pennsylvania Bar Association in 1895, a committee was appointed to formulate and present at the meeting to be held in July, 1896, "a curriculum of study for admission to the Bar and a system of preliminary and final examinations suitable for adoption throughout the State of Pennsylvania." This report, prepared with much care, merits the attention of all interested in this important question. The Chairman of the Committee, Hon. J. A. McIlvaine, has expressed a wish that the *AMERICAN LAW REGISTER AND REVIEW* should co-operate with the Committee in giving the report as wide a publicity as possible in advance of the discussion upon it which will take place in July.

In conducting its investigation of the important subject committed to it, the Committee has been confronted with four distinct problems for solution. The first of these relates to the scope of the preliminary examination for registration of students of law. The second concerns the length of the course of legal study between the time of registration and the time of final examination. The third is the important problem involved in the mapping out of a suitable course of legal study to be pursued by candidates for final examination. The fourth has to do with the matter of final examinations—the intervals at which they should occur, and the way in which they should be conducted. The Committee has reached a solution of each of these problems, and submits a detailed report of the conclusions reached, and the reasons upon which they are based. The report upon these specific problems is followed by a statement of the sense of the Committee in regard to three collateral but important subjects: (1) the advisability of requiring the student to spend a portion of his time in the office of a practising lawyer; (2) the feasibility of admitting to the Bar without examination those who are the holders of law school diplomas; and (3) the recommendation of a general course of reading in connection with the course of study which

the student is required to pursue. The report concludes with a summary statement of the results of the Committee's deliberations, which includes a scheme of preliminary examination and a curriculum of study to be required of candidates for admission to the Bar.

I. PRELIMINARY EXAMINATIONS.

A report upon this subject naturally involves two distinct considerations. First, What shall be the subjects upon which the student is required to prepare? Second, How shall the examination be conducted?

(a.) Upon the first point, the Committee is of opinion that the candidate for registration should be thoroughly prepared in those subjects which are required for admission to the freshman class of average colleges of reputable standing. The Committee understands that these subjects are: (1) The English Language and Literature; (2) Outlines of Universal History; (3) The History of England and of the United States; (4) Mathematics, including Arithmetic, Algebra to Quadratics, and one Book of Euclid; (5) The Latin Language and Literature; (6) Modern Geography. It is to be noted that a conference committee, representing Harvard, Yale, Pennsylvania, Cornell, Columbia and Princeton, has recently agreed upon a system of uniform requirement for admission to the Freshman Class. The standard thus fixed will doubtless be generally adopted.

The course in the English Language and Literature is of vital importance. The student must be familiar with the English Grammar and with spelling. He must know the outlines of the history of literature both in England and in the United States. The course must go further, however, and include a reading and study of selected works of particular authors, so that the student will be prepared for an examination which is more than a mere test of memory. The course should be so moulded that if a student is questioned about Shakespeare he must be ready to prove that he has read at least one of the plays, and to give an intelligent account of it. If it relates to Milton, or Pope, or Gray, or Wordsworth, or

Tennyson, the student must be prepared to give the characteristics of the epoch for which each name stands. The Committee does not mean to contend for a technical training in literature, but merely to insist that a man should have learned, before he begins to study law, that in every department of human activity there is a great man in each age who impresses himself upon his generation and gives to that age its characteristics. The student will then be prepared, when he approaches the study of the law, to grasp the significance of the names of Coke, of Hale, of Hardwicke, of Mansfield, of Eldon, of Marshall, of Gibson, of Miller and of Bradley.. The Committee is of opinion that if such a course of preliminary training is insisted upon, it will in almost every case result in stimulating in each student a desire to continue and to broaden his course of reading, and that it will result in making the recommendation of a general course of reading, in connection with the course of legal study, something more than a mere "counsel of perfection."

In regard to history, the Committee is of opinion that the student should have that familiarity with the outlines of Universal History which may be gained from the careful study of some standard historical sketch. A far more searching requirement is recommended in regard to the History of England and of the United States. The course should be designed to lead up to an examination which shall be something more than a mere time-table examination on names and dates. It should impart to the student an ability to answer questions in regard to the *significance* of historical events and the political reasons which have led to wars and treaties.. Those who have had experience as members of boards of examiners have met with many students who could give the names and dates connected with every incident in our Civil War, but who utterly broke down when asked what the war was about and what were the political, social, and constitutional issues upon which the North and South went to trial. The Committee believes that the importance of a thoughtful and intelligent study of the History of England and of the United States should be emphasized, not only by general

statements of the importance of such study, but by requiring the student to prepare himself for examination upon the political aspects of the history of the English-speaking race, and by stipulating that he shall have read such a book as *Johnston's American Politics*.

The importance of mathematical study should not be over-estimated. If, by a mathematical training, a student has not learned to reason exactly, he cannot be expected to grapple with the more exact branches of our law—the law of future interests, the rule against perpetuities, common law pleading and equitable trusts. A thorough grounding in arithmetic should be insisted upon. The Committee, however, inclines to the view that if the student desires he should be permitted to substitute logic for algebra and geometry. In order that logic may be an equivalent for these subjects, the course should obviously be a thorough one, leading up to a searching examination.

The course in Latin should include a thorough drill in the Latin grammar and in Arnold's Latin Prose composition. The student must have read four books of Cæsar, and either six books of the *Æneid* or the four orations of Cicero against Cataline. There are reasons in favor of permitting the student to offer as a substitute for Latin some one modern language, say either German or French; but, upon the whole, the Committee believes that the universal requirement of Latin is to be preferred.

The requirement of modern geography needs no justification. The student should be given to understand that he is liable to be questioned with more than ordinary minuteness upon points of geography involved in questions of current interest and importance—as, for example, the exact geographical description of Behring Sea, or of the South American countries directly or indirectly concerned in the Venezuela matter.

(b.) As respects preliminary examinations, the Committee is of opinion that they should be principally written examinations, supplemented by orals if the examiners so desire. It is only by means of questions carefully prepared and deliberately

considered that a fair examination can be held. Examiners cannot properly discharge their duty if they leave the formulation of questions to the inspiration of the moment. If this is done, the questions will be ridiculously easy or unreasonably difficult. The questions should be framed with as much care as would be used in framing a cross interrogatory designed to bring out all that the witness knows upon the point under investigation. The student should not be permitted in his answer to cloud the air with a multitude of words. He should be held down to the very question which has been submitted to him. If the question has been properly prepared, he will not be entitled to ask to have it explained, and he ought to stand or fall by the answer which he gives unaided. In the judgment of the Committee, every examination should include the writing of a composition or essay by the student, to test his ability to express himself in good English. It is not unreasonable to prevent a student from registering who fails to satisfy this test of his preparation, even if upon other heads he has shown himself to be possessed of much technical information. The Committee cannot urge too strongly the great importance which it attaches to this feature of the examination.

The Committee is of opinion that graduates in arts or science of colleges of recognized standing should be permitted to register without examination. It is not desirable that the question of the standing of the several institutions of learning should be left for determination to each of the local boards of examiners. If this were done, a diploma would be recognized in one judicial district which the Committee in another would refuse to receive. The Committee is of opinion that the Committee on Legal Education of the Bar Association should in each year promulgate for the ensuing year a list of the colleges whose diplomas will be accepted in lieu of a preliminary examination. The importance of a definite rule upon this subject is obvious. It is not proper that the acceptance or rejection of a diploma should be left to the decision of the moment when the Board of Examiners has assembled and their determination is liable to be influenced by the length of the list of applicants for examination, and the amount of time

which is at their disposal for the discharge of their duties. The student is entitled to know in advance whether his degree entitles him to registration or whether he will be required to submit to examination.

In fine, the Committee is of opinion that a candidate for registration should not be permitted to register unless (having been subjected to examination) he answers satisfactorily at least sixty per cent. of the questions submitted to him, and not then if he proves deficient in the writing of such an essay or composition as was suggested above.

II. COURSE OF LEGAL STUDY.

The Committee is of opinion that much might be said in favor of the abolition of a time requirement of legal study between the date of registration and final examination. In law schools the course must be of a prescribed length in order that the students may be arranged in classes, and in order that instruction may be given systematically. No such consideration is present in the case of a student who is pursuing his studies alone, or with the aid of a preceptor, and it should seem only fair to permit him to come up for examination whenever he considers himself fitted to pass. At the same time the Committee recognizes that the requirement of a fixed period of legal study has some well-defined advantages. If a student is earnest and industrious, it is quite certain that he will apply to advantage all the time required by a reasonable rule upon this subject, and he will find two or three years none too long for a grounding in the principles of our law. If, on the other hand, the student is a less thoughtful and a less admirable man, either the full time required by a fixed rule will be necessary for his preparation, or he will be tempted to overestimate his capacity and make a succession of fruitless attempts to pass at shorter intervals, thus increasing the work of the examiners and doing himself a serious injury. The Committee therefore favors a fixed period of legal study. While recognizing that, under existing conditions, two years would be a sufficient time within which to prepare for final examination, the Committee believes that the course of study

indicated below requires that three years should be devoted to it by the student. It is understood, however, that "three years" means three academic years, as that term is used in a college or law school. Thus, if a student registers at the end of the summer vacation in 1896, he would be qualified to present himself for final examination in the spring of 1899.

III. CURRICULUM OF LEGAL STUDY.

After a careful consideration of the problem connected with the course of study for admission to the Bar, the Committee has reached the conclusion that the *subjects of requirement* may, with advantage, be designated, but considers it unwise to fix the course by reference to particular text-books. The literature of the law is constantly changing, and it often happens that new publications are better adapted to the student's needs than those that have therefore been recommended to him. It seems wise, therefore, for the Committee on Legal Education to put forth a list of recommended books connected with the several courses of study, but to revise the list every year in order that it may be kept abreast of the times. The Committee, accordingly, invites attention, first to the course of study, and second, to the literature of those courses.

A.—Courses of Study.

First Year.—The Committee is of opinion that the course of study for the first of the three years should include the following subjects; (1) Elementary Law; (2) a general survey of the development of so much of the common law as is represented by the first two books of Blackstone; (3) Contracts; (4) Torts; (5) Crimes; (6) Common Law Pleading.

A course of reading in the elements of law is particularly desirable. The student at the outset should become familiar with theories of the nature and source of law, the development of society, the grand divisions of the law and the relation which they bear to one another. Of course, the reader of the introduction to Blackstone's Commentaries gains some information upon these points, but many of the theories to which Blackstone gives his adherence have been abandoned in

modern times, and it seems desirable to require of the student a preparation based upon the result of modern thought and research.

The student may with advantage begin his acquaintance with the common law by reading the first two books of Blackstone. It must not be forgotten, however, that there is a danger in confining the student too closely to Blackstone in this connection, because he is apt to look upon the work as a codification of law and to forget that our legal system is essentially a growth and development which demands historical study. As the primary feature in its history is the law of real property and the feudal system, the Committee is of opinion that an elementary work upon the history of the law of real property may, with advantage, be placed in the hands of the student of Blackstone; for it is believed that by using the two in conjunction the most beneficial results will be attained.

A study of the principles of contract is recommended for the first year. The student should become familiar with the nature and scope of the contractual obligation, and should be grounded in the fundamental doctrines of consideration, offer and acceptance, etc., etc., in order that he may be prepared at a later stage of his course for a study of such special developments of the law of contracts as Bills and Notes, the Contracts of Carriers, Insurance, etc., etc.

The study of torts may with advantage be prosecuted in the first year. The law of torts as a whole presents no great difficulties to the student and it is of such fundamental importance that no doubt can be entertained as to the expediency of assigning it a place in the early part of the curriculum.

The same remarks apply to the study of the elements of criminal law. Side by side with property, contracts and torts, this branch deserves to stand as one of the foundations of the student's course of legal study.

The importance of the study of common law pleading is admitted by all, and the Committee is of opinion that the study should be undertaken in the first year, as at least an elementary knowledge of it is necessary to an adequate understanding of much of the law of contracts and of torts. A

study of code pleading, or of other modern developments of the law of procedure, must always begin with a study of the common law system of pleading, and the Committee feels that it is voicing the sentiment of the Bar when it insists not only upon the practical importance, but upon the educational value, of a sound preparation in this subject.

Second Year.—The Committee is of opinion that the course of study for the second of the three years should include the following subjects: (1) Property; (2) Equity; (3) Evidence; (4) Sales; (5) Partnership; (6) Quasi-Contracts; (7) Agency.

Upon the course for the second year as thus mapped out, the Committee deems it unnecessary to comment—unless, indeed, a justification is needed for, including the course on Quasi-Contracts in the list of subjects of study. Upon this point it may not be improper to remind the Bar that the law of Quasi-Contracts, so called, is nothing more nor less than that branch of the law which has to do with the obligations designated by our older writers as the “contract implied in law.” It is obvious that nothing but confusion can result from a classification which couples the contractual obligation resulting from a meeting of minds upon the one hand with the obligation which is wholly independent of a meeting of minds on the other. It is, of course, immaterial whether the evidence of the meeting of minds takes the form of the express statements or declarations of the parties or of facts from which the existence of an intention to contract may be referred. In either case, the resulting obligation is a contractual obligation, whether we call it an express contract or an implied contract. But when we turn to that important department of the law where there is a recognized obligation which may be enforced in a contractual action, but where the circumstances preclude the existence of a contract, express or implied, it is obvious that we have (so far as substantive law is concerned) crossed a boundary line between two departments of jurisprudence and that we must subject the field into which we have come to independent examination and study. The Committee understands that it is to this obligation independent of contract (which in old times was improperly called “contract implied

in law") that modern writers have given the name of Quasi-Contract; and the Committee is impressed with the importance of directing the student's attention to the wide distinction which separates the one branch of law from the other, and to the important results which follow from the difference.

Third Year.—The Committee is of the opinion that the course of study for the third of the three years should include the following subjects: (1) Property (continued); (2) Constitutional Law; (3) Corporations; (4) Bills and Notes; (5) Domestic Relations; (6) Practice in Pennsylvania; (7) Pennsylvania statutes on practice and the organization and jurisdiction of courts; (8) Decedents' Estates; (9) Pennsylvania cases on Replevin, Ejectment and Assumpsit.

B.—The Literature of the Courses.

The Committee has already expressed a belief that a list of recommended books should be made the subject of a constant revision in order that advantage may be taken of all that is valuable in new publications. Subject to this general statement of policy, the Committee submits its suggestions with respect to the works which a student may use with advantage.

In making its suggestions the Committee calls attention to the collections of cases for the use of students, which have been published during the last few years. The importance of these publications is difficult to over-estimate. As a basis of class-room work they are being used in the leading law schools of the country, in many instances to the exclusion of text-books. Entirely independently of such a use of them, they will be found invaluable as adjuncts to the text-books and treatises, for they save the time which the student would otherwise spend in hunting for cases in the original reports, and in a multitude of instances they put within the reach of a student cases which would otherwise be inaccessible to him on account of the limited library facilities to which he has access.

In this connection, the Committee calls attention to such products of ripe scholarship as Gray's Cases on Property, Ames's and Smith's Cases on Torts, Bigelow's Cases on Torts,

Thayer's Cases on Evidence, Thayer's Cases on Constitutional Law, Ames's Cases on Bills and Notes, Ames's Cases on Trusts, Ames's Cases on Pleading, Williston's Cases on Sales, Keener's Cases on Quasi-Contracts, McClain's Cases on Carriers, Huffcutt's Cases on Contracts, and Cummings's Cases on Private Corporations. Such collections of cases are, so to speak, new features of our legal literature, and the Committee considers it proper to direct the attention of students and Bar to the important place which they are adapted to fill.

The following text-books, case books, and treatises are recommended in connection with the several courses outlined above :

First Year.—Markby's Elements of Law, Sharswood's Blackstone, Digby's History of the Law of Real Property, Cox's Common Law, Anson on Contracts, Williston's Cases, Huffcutt's Cases, Bigelow on Torts, Bigelow's Cases and Ames & Smith's Cases, May on Criminal Law, Stephen on Pleading, Ames's Cases.

Second Year.—Challis, Washburn, or Williams on Real Property, with Gray's Cases and Gray on Restraints on the Alienation of Property; Bispham on Equity and Laussatt's Essay on Equity in Pennsylvania (reprinted in Vol. I., Reports of Pennsylvania Bar Association); Best on Evidence (Chamberlayne's Edition); Thayer's Cases; Blackburn or Benjamin on Sales; Williston's Cases; Parsons (Theophilus) on Partnership; Keener on Quasi-Contracts; Keener's Cases; Mechem on Agency.

Third Year.—Gray on the Rule against Perpetuities; Rawle on Covenants for Title, and Mitchell on Real Estate and Conveyancing in Pennsylvania; Cooley's Principles of Constitutional Law; Thayer's Cases; Taylor on Private Corporations; Cummings's Cases; Bigelow on Bills and Notes; Ames's Cases; Schouler on Domestic Relations; Troubat and Haly's Practice in Pennsylvania, or Brewster's Practice; Lewis's "Courts of Pennsylvania in the Seventeenth Century" (reprinted in Vol. I., Reports of Pennsylvania Bar Association); Trickett on Liens in Pennsylvania; important Pennsylvania Statutes.

The Pennsylvania Statutes contemplated in the outline of the third year course are left for selection to the Local Boards of Examiners, who are requested to set forth for the information of students in their respective districts a list of the titles in Purdon's Digest and in Pepper & Lewis's Digest, upon which the candidates for examination are expected to be prepared.

IV. SYSTEM OF FINAL EXAMINATIONS.

Under this head it is proper to consider (*a*) the time or times at which final examinations should be held, and (*b*) the method of conducting them.

(*a.*) The times at which final examinations should be held.

The custom which at present prevails throughout the Commonwealth is to hold a single final examination at the end of a student's course of study, and to admit him or reject him in accordance with the result of the test to which he is then subjected. Without commenting upon the wisdom of such a custom in connection with the requirements for admission which have been deemed sufficient in the past, the Committee is of opinion that upon the basis of the course of study recommended in this report, better results will be reached by permitting the student to come up for examination at intervals during his course, and thus to dispose of the several subjects of requirements by degrees. The strain upon the student will thus be reduced to a minimum, the time consumed in conducting thorough examinations upon each of the courses will be more conveniently distributed, and the student's preparation in each course will be more thorough; for he will be enabled, for the time being, to devote his undivided attention to mastering a few subjects instead of being compelled to diffuse his energies in the attempt to prepare himself upon many. The Committee is of opinion that final examinations should be held in each judicial district twice in each calendar year. One of these examinations should be held in June, and this should be the principal examination at which all candidates should be required to present themselves. The second examination (to be held in December) should be conducted for the benefit of

those who have been conditioned in the examination of the preceding June. No new candidates should be permitted to present themselves for examination at the December term, unless they are holders of law-school diplomas, as hereinafter explained. At the June examination, students should be permitted to present themselves for examination in the subjects of study allotted to the academic year then drawing to its close. It does not seem feasible to subdivide the years and permit students to come up for examination at shorter intervals, during the autumn, winter and spring, because of the danger that under such a system the student's preparation will be fragmentary and disjointed and the advantages incident to the contemporaneous study of a reasonable number of courses will be lost. On the other hand, it does not seem fair to the student who has failed wholly or in part at the June examination to compel him to lose a year or to bear the burden of a double examination in the ensuing June; and accordingly the Committee has determined to recommend the holding of the December examination, as explained above, for the benefit of candidates who have theretofore been found wanting as well as to afford an opportunity to law school graduates to present diplomas granted subsequently to the examinations held in the preceding June. It is to be observed that the provisions here suggested in regard to the division of the course into years are for the convenience of the student. Any student who prefers the old-fashioned system may elect to take all his examination at the end of his course.

(*b.*) Method of conducting examinations.

The Committee is strongly of opinion that the final examinations, like the preliminaries, should be in the first instance written. They should be held on successive days during an examination week, and the student should be allowed four or five hours in which to study each examination paper and write out his answers. As a rule, not more than one examination should be held on each day. Students who answer satisfactorily sixty per cent. or more of the questions upon a given course, should be permitted to pass in that course without further examination. Students who fail to answer fifty per

cent. of the questions should be conditioned without further examination. Students whose percentage of satisfactory answers ranges from fifty to sixty per cent. (students, in other words, whose status is doubtful) should be required to pass an oral examination in order that the examiners may have a further opportunity to determine whether they should be passed or conditioned.

The Committee of course recognizes the fact that the efficacy of any system of examinations depends largely upon the spirit in which the system is put into operation by those who are charged with the duty of conducting the examinations. The Committee, however, believes that much of the lack of thoroughness and of the lack of uniformity in the conduct of final examinations throughout the Commonwealth has been due more to the absence of a definite theory upon which to conduct the work of the Local Boards, than to any want of ability or interest upon the part of the Examiners themselves. The Committee indulges the hope that if this report is in substance adopted and is put into the hands of the Committee on Uniformity for promulgation, the Judges in the several districts and their appointees upon the Boards of Examiners will find that it represents a coherent and carefully matured plan of work, from a faithful following of which nothing but good results can ensue. The Committee has felt some hesitation in recommending any plan which involves an addition to the labors of the local Boards, and it is for this reason that it has been thought proper to report in favor of the preparation in each year, by representatives of the Committee on Legal Education, of standard examination papers on each of the courses included in the curriculum, which papers can be transmitted sealed to the Secretary of any local Board of Examiners which may desire to make use of them in the annual examination. A single set of papers for each annual examination would answer every requirement; because it is part of the Committee's recommendation that the examinations should be held at the same time all over the Commonwealth, thus avoiding the danger of permitting the candidates in any district to gain access to standard examination papers which

might otherwise have found their way previously into the hands of students in another district. The Committee is of opinion that if a week is thus set apart for examinations, and if one member of the local Board is detailed to preside at each of the written examinations during the week, there will be no increase of work for the members of those Boards which make use of the standard examination paper. By thus detailing the members of the local Boards to superintend the several examinations better results will be attained in the criticism of the students' answers than under the present system, for the committeemen who are put in charge of the examination in a given course will have their attention especially directed to that subject of study, and they will, in a sense, become specialists therein. As the system recommended in this report greatly reduces the number of examinations held in the course of the year, as compared with the system which now prevails in many countries, the committee suggests to the Courts the importance of lengthening the term of service of members of the local Boards. A member of the Bar who serves for a term of five years is better able to familiarize himself with the system of study and examinations than a man who serves for a year only. Greater stability will be secured by longer terms, and a permanent policy upon the part of the Board will become possible.

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V. GENERAL RECOMMENDATIONS.

A.—Apprenticeship in the Office of a Practicing Attorney.

After giving to this subject mature consideration, the Committee has come to the conclusion that the office of the modern lawyer is not, as a rule, a place where legal instruction can, with advantage, be obtained, and that it is inexpedient to require a long term of service as an apprentice to an active practitioner. The Committee recognizes the fact that an increasing number of law students are seeking the instruction afforded by law schools, and is of opinion that to require a long clerkship is to discriminate against law school study,

inasmuch as the period of clerkship must, in many cases, be added to the time required for obtaining the law school degree. The work in law offices formerly done by students is now, to a great extent, done by stenographers and clerks, and the student has an extremely limited opportunity to familiarize himself with the way in which the actual practice of the profession is conducted. On the other hand, there can be no doubt that a student who is thoroughly grounded in the theory of the law and the principles which underlie its practice, can, by consistent application, familiarize himself with the details of practice in a six months' course of study. If a young man, who has graduated from a law school, or who has all but completed his course of private study, devotes himself for six months to a study of practice in the jurisdiction in which he expects to begin his professional life, there can be little doubt that he can gain, in this comparatively short time, as thorough a knowledge of the subject as will be gained by mere attrition and observation during a period of three years in which he is striving to master theory and principle amid the distractions of office work. The Committee accordingly reports in favor of requiring a clerkship of six months only as a condition precedent to admission to the Bar; but with this suggestion is coupled the recommendation that students be given to understand that the results of their clerkship will be actually tested upon examination by requiring them to prepare the more ordinary papers and documents met with in practice—as, a declaration or statement, affidavit of defence, a brief bill or answer in equity, a bond and warrant, a deed of bargain and sale, a lease, etc.

The Committee has not forgotten that the general observations which have been made in regard to office registration have only a limited application to some of the counties of the Commonwealth. In many places the office of the practising attorney is still the training place for admission to the Bar. It is to be observed that the recommendation of a six months' clerkship in no way conflicts with such a system. A student in such a county will spend his whole course in the office. It is for the benefit of those who are driven from the office to the

law school that the term of required apprenticeship is reduced to a minimum.

A.—The Credit to be Given to a Law School Diploma.

The Committee has given anxious consideration to the question whether or not law school diplomas should be accepted in lieu of final examinations for admission to the Bar. After weighing the affirmative and negative considerations it has been deemed expedient to report in favor of admitting the student upon his diploma, provided it has been granted by a law school in which three years' study is required for the degree and, provided further, that the rule as to six months' clerkship and the special examination upon the results of the clerkship, has been complied with by the applicant. In other words, the diploma of an accepted law school would relieve the holder thereof from all examination except the examination in the drafting of legal documents, etc., as already explained. As it might be impracticable in many instances for a student registered in a law school to serve his six months' clerkship during the law school course, the Committee inclines to that opinion that students who graduate from law schools in the spring or early summer of a given year should be permitted to present their diplomas and apply for the practice examination at the session of the board in the following December, thus enabling them to satisfy the rule in regard to clerkship with a minimum of loss of time. If a law school graduate were to fail in the practice examination, he should be permitted to apply for re-examination at each semi-annual session of the board after his failure until he succeeds in passing or is notified by the Board that he is in their judgment unfit for admission.

C.—Recommendation of a General Course of Reading.

The Committee is unanimously of opinion that the student of law should be constantly and forcibly reminded of the importance of continuing and broadening the course of reading which he is required to pursue in preparation for registra-

tion. In order to emphasize the importance which should be attached to literary attainment, the Committee believes that a general course of reading may profitably be recommended, and suggests that no student be permitted to take his final examination until he has certified to the examiners that he has read the books contained in the recommended list, or their equivalent. Where a student certifies that he has read books the equivalent of those recommended he should be required to specify them with particularity. It is not deemed expedient to insist upon an examination in general literature at the time of admission to the Bar, in addition to the examination preliminary to registration; but the Committee believes that much good will be done by annexing the sanction of a certificate by the student to the general recommendation of the association, for a large proportion of applicants for admission will, undoubtedly, be unwilling to make the suggested statement until they have actually done the work which it represents.

The following is the list of works which, in the judgment of the Committee, each applicant for admission to the Bar should be recommended to read before presenting himself for final examination:

The portions of the Old Testament which contain the Hebrew law; the entire New Testament—it being observed that this recommendation of the Committee deals with the Bible entirely in its literary aspect; six of Shakespeare's plays, which shall include any three of the historical plays, and, in addition, "Hamlet," "Macbeth," and "Merchant of Venice;" one book of Milton's "Paradise Lost," and all his shorter poems; Pope's "Essay on Man;" Dryden's "Alexander's Feast;" Gray's "Elegy;" Wordsworth's, Tennyson's, Browning's and Longfellow's most celebrated poems; three of Macaulay's essays, including the "Essay on Bacon;" three of Emerson's essays, including the "Essay on History;" Locke's "Essay on the Human Understanding;" Lowell's "Essay on Democracy;" Thackeray's "Esmond;" Hawthorne's "Marble Faun" and "Scarlet Letter;" Dickens's "David Copperfield;" Cooper's "Spy;" Warren's "Ten

‘Thousand a Year;’ George Eliot’s “Romola;” Marshall’s “Life of Washington;” the lives of the Chief Justices of the United States; the selected orations of Burke, Erskine, and Webster; Von Holst’s “Constitutional History,” and Bryce’s “American Commonwealth.”

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