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[EDITORS' NOTE.—At the dedication of the new Law School Building of the University of Pennsylvania on the twenty-first and twenty-second of last month, addresses were delivered by James Barr Ames, Dean of the Harvard Law School; Sir Charles Arthur Roe, representing Oxford University; Samuel Dixon, of the Board of Trustees of the University of Pennsylvania, and William Draper Lewis, Dean of the Faculty of the Department of Law. We have published them in the present number of the AMERICAN LAW REGISTER in the belief that they contain much of interest to our readers. A complete account of the dedicatory exercises is soon to be published by the Faculty of the Law School.]

## THE VOCATION OF THE LAW PROFESSOR.

On a broad shaded street in one of the most beautiful of New England villages, stands an attractive old Colonial house, the residence, at the close of the American Revolution, of a Connecticut lawyer. Hard by the house was the owner's law office, a small one-story wooden building much resembling the familiar district schoolhouse. There was nothing about it to catch the eye, but it has a peculiar interest for the lawyer, as the birthplace of the American Law School. For it was to this building that young men came from all parts of the country, to listen to the lectures of Judge Reeve, the founder of the celebrated Litchfield Law School.

It is indeed a far cry from the small lecture room of Judge

Reeve to this noble structure destined to be for centuries the spacious and well-appointed home of a great university law school. From her humbler home in Cambridge, I gladly bring the greetings and congratulations of the elder to the younger sister, and I am deeply sensible of the privilege of saying here a few words upon a topic that is near to the hearts of both.

On this red-letter day in the history of law schools, we may look back for a moment upon the path of legal education, if only to take courage for further achievement, as we watch the steadily growing conviction, in this country at least, that law is a science, and as such can best be taught by the law faculty of a university.

With the revival of interest in the Roman Law, students flocked to the mediæval universities, notably to Bologna and Paris; and in countries, where the system of law is essentially Roman, the tradition of obtaining one's legal education at a university has continued unbroken. Indeed, upon the continent of Europe a university law school is the only avenue to the legal profession. But the English Law was not Romanized. For this, any one who thinks of trial by jury, of the beneficence of English equity, and of the unrivaled English judiciary, may well be thankful. But as a consequence of the non-acceptance of Roman Law, early English lawyers were not bred at Oxford or Cambridge. For the universities were in the hands of the ecclesiastics, who naturally confined their attention to the canon and civil law. Another reason may be found in the well-known dialogue between Lord Chancellor Fortescue and the young Prince of Wales in praise of the laws of England. The Prince having asked why the laws of England were not taught at the universities, the Chancellor replied: "In the universities of England sciences are not taught but in the Latin tongue, and the laws of the land are to be learned in three several tongues, to witte, in the English tongue, the French tongue and the Latin tongue."

English lawyers, therefore, obtained their legal training in London, and, in early times, at the Inns of Court, which, with the dependent Chancery Inns, were called by Fortescue and Coke a legal university. In the days of these writers, the

term was not inapt. The membership of the inns was made up of students, resident graduates, called barristers, readers or professors, and benchers, or ex-professors, all living together in their dormitories and dining-halls, in that spirit of comradeship which has added so much to the attractiveness and influence of the legal profession. They lived, too, in an atmosphere of legal thought. Every day after dinner, and every night after supper, there were discussions of legal questions after the manner of a moot-court. There were also lectures by the older barristers, which were followed by discussions of the chief points of the lectures. But the lectures and discussions came in time to be regarded as too great a burden upon the lawyers. They were at first shortened, and finally, in the latter half of the seventeenth century, given up altogether.

A legal education being no longer obtainable in the Inns of Court, students of law trusted to private reading, supplemented at first by experience in attorneys' offices, but after Lord Mansfield's day, in the chambers of special pleaders, conveyancers or equity draughtsmen.

The decay of the Inns of Court seems not to have excited, for two hundred and fifty years, any adverse comment. But towards the middle of this reforming century many influential lawyers were impressed with the need of a better preparation for admission to the bar. In 1846 a Parliamentary Commission, after hearing the testimony of a large number of witnesses, reported that the state of legal education in England was "extremely unsatisfactory and incomplete," and "strikingly inferior to such education in all the more civilized states of Europe and America," and recommended that the Inns of Court should resume their ancient function of a legal university. Five annual courses of lectures in law were the meagre result of this report.

In 1855 a second Parliamentary Commission, including Vice-Chancellor Wood, Sir Richard Bethell (Lord Westbury) and Sir Alexander Cockburn, recommended that a university be constituted with a power of conferring degrees in law. This recommendation had no effect. Some twenty years later, under the leadership of Lord Selborne, an attempt was made

to bring about the establishment of a general school of law in London by the action of Parliament. But the attempt was unsuccessful. Finally, six years ago, a third Parliamentary Commission reported in favor of a Faculty of Law in the proposed teaching University of London. And there the matter rests, although Lord Russell has recently expressed the hope "that the effort may once more be made, and this time successfully made, to establish what Westbury and Selborne hoped and worked for, a great school of law."

As a result of the agitation of the last sixty years, six readers and four assistant readers give some thirty hours of legal instruction per week throughout the year, and only those may be called to the bar who have passed successfully certain examinations. These examinations represent about one-third of the work covered by those of the Law School of the University of Pennsylvania, and, in the opinion of competent judges, do not afford any trustworthy test of adequate knowledge of the law. No attendance is required at the readers' lectures or classes, and the actual attendance is small. There is no permanent teaching staff. The teachers are appointed for a term of three years. They may or may not be reappointed. Incredible as it may appear, at the end of their term, in 1898, the ten readers and assistant readers were all dropped and replaced by a wholly new decemvirate. The reason for this clean sweep is almost more surprising than the change itself. The Council of Legal Education, as one of the members informed Lord Russell, "thought if they did not effect frequent changes, and thus permitted the idea to grow up that the teachers should be continued in office so long as they did their work well, it would be interfering with them in the pursuit of their profession, and it would be unfair to remove them later." Lord Russell, in criticising this novel conception of a professorial staff, says truly that "such a policy renders it impossible to look to the creation of an experienced professional class of teachers." There is obviously a wide gap between this school of the Inns of Court and the leading law schools in this country with a three years course, compulsory attendance, searching annual examinations, and a faculty of permanent professors.

One naturally asks, Why did not the universities assume the work of legal education which the Inns of Court abandoned? The answer is simple. The traditions of centuries were against such an innovation. It is true that the Vinerian professorship of the Common Law, to which we owe the world renowned Commentaries of Blackstone, was established at Oxford in the middle of the last century, and this was followed some forty years later by the similar Downing professorship at Cambridge. But only within the last thirty years has really valuable work been accomplished at the universities by a body of competent and permanent teachers. Even now the department of law at Oxford and Cambridge is not and does not claim to be a professional school. A large part of the curriculum is devoted to Roman Law, Jurisprudence and International Law, and a large majority of those who take the law course are undergraduates who propose to take their B. A. degree in law. Mr. Raleigh, one time Vinerian Reader in English Law, tells us that the best men at Oxford seldom begin the study of law until they go to London, and he thinks, in common with many others, that the ancient universities committed a grave mistake when they placed law among the subjects that qualify for the degree of B. A.

I regret to find that Sir Frederick Pollock considers this mistake irrevocable. American law professors would generally agree that a college student had better let law alone until he has completed his undergraduate course. Until the law course is made exclusively a post-graduate course, and Roman Law, Jurisprudence and International Law are made electives in the third year of the curriculum, instead of required subjects of the first year, and the staff of permanent professors materially enlarged, those of us who would like to see a strong professional school of law at the English universities, are not likely to have our dreams realized.

There must be, of course, some sufficient reason why, notwithstanding the recommendations of successive Parliamentary Commissions, and the earnest efforts of men like Lord Westbury, Lord Selborne and Lord Russell, so little progress has been made, either in London or at Oxford or Cambridge, towards the establishment of a law school com-

parable to the best schools in other countries. A distinguished lawyer of this city suggested, many years ago, the quaint explanation that in a country in which the law consists of the decisions of the judges, "it might be politic not to encourage academic schools of the national jurisprudence lest ambitious professors and bold commentators should obtrude their private opinions, and instil doubts into the minds of the youth." The true explanation, it is believed, is that which was suggested by another eminent Philadelphia lawyer. Mr. Samuel Dickson, to whom we have had the pleasure of listening to-day; in his interesting address at the opening session of this school eight years ago, pointed out that no public inconvenience was felt from the calling to the bar of gentlemen who were incompetent or unwilling to practice. For the barristers being engaged, under the English custom, not by the clients, but by the attorneys or solicitors, who were themselves experienced in law, the ignorant or incompetent barristers had no chance of obtaining any business, and dropped out of sight. Furthermore, the concentration of the entire body of barristers in London, and the unrivaled honors and emoluments that rewarded the successful lawyer so developed competition and so stimulated the ambition of the ablest men, as inevitably to produce a bench and bar of the highest merit and distinction.

If we turn now to this country, we find a marked contrast with the English experience in legal education. To the College of William and Mary, in Virginia, belongs the distinction of having the earliest law professorship in the United States, a distinction due to the fertile genius of Jefferson, who, being appointed visitor to the college in 1779, wrote to a friend, in a tone of great satisfaction, that he had succeeded in abolishing the two professorships of divinity and substituting two others, one of medicine and one of law and police. Judge George Wythe, commonly known as Chancellor Wythe, was appointed professor, doubtless through the influence of Jefferson, who had been a pupil in his office. It is an interesting fact that John Marshall, as a student of the college, attended the first course of lectures given by the first American law professor. Three similar professorships were established in the last century, at Philadelphia, New York, and Lexington, Ky. It

seems probable that these professorships were created with the hope that they would soon expand into university schools of law. Such an inference derives support from the high character of the first incumbents. Professor Wythe was a distinguished judge of the high Court of Chancery of Virginia, Professor Wilson, at Philadelphia, was an Associate Justice of the Supreme Court of the United States, and both were signers of the Declaration of Independence. Professor Kent, though a young man when first appointed, already ranked as a lawyer of exceptional ability and legal learning. To these honored names should be added that of Henry Clay, who, although the fact seems to have escaped his biographers, was for two years professor of law at Transylvania University, being the youngest full law professor, as well as the youngest senator, in our country's history. But the hopes that may have been entertained of developing schools of law out of these professorships were in the main doomed to disappointment. The private law school at Litchfield had for nearly twenty-five years no competitor, and throughout the fifty years of its existence was the only school that could claim a national character.

The oldest of the now existing law schools in this country is the school at Cambridge, which was organized in 1817. But for the first dozen years of its existence, the Harvard School was a languishing local institution. I cannot better present to you the gloomy outlook for this school at that time than by quoting from Provost Duponceau. In an address before the Philadelphia Law Academy in 1821, he advocated earnestly the establishment in Philadelphia of a National School of Law, and after alluding to the law lectures at the University of Cambridge, added: "If that justly celebrated University were situated elsewhere than in one of the remote parts of our union, there would be no need perhaps, of looking to this city for the completion of the object which we have in view. Their own sagacity would suggest to them the necessity of appointing additional professors, and thus under their hands would gradually rise a noble temple dedicated to the study of our national jurisprudence. But their local situation precludes every such hope." Nor were the law schools of the University of Maryland,

Yale and the University of Virginia, which were established between 1824 and 1826, in any sense rivals of the Litchfield School. At the termination of that famous private school in 1833, there were only about 150 students at seven university law schools. In the dozen years following, new schools were organized, and the school at Cambridge under the leadership of Story, in spite of its unfortunate situation, became a national institution. In 1850, when the Law School of the University of Pennsylvania was established by the auspicious election of Judge Sharswood as Professor of Law, our schools numbered fourteen, and in 1860 the number had risen to twenty-three, with a total attendance of about 1000 students, all but one of these schools forming a department of some university. In the thirty-five years since the Civil War more than eighty new schools have been organized, so that we have to-day 105 law schools, with an attendance of about 13,000 students. Twenty-five years ago in none of the schools did the course exceed two years. To-day, fifty of the schools have a three years' course. Nearly ninety of these schools are departments of a university.

Valuable as the lawyer's office is and must always be for learning the art of practice, these figures show how completely it has been superseded by the law school as a place for acquiring familiarity with the principles of law.

It is an interesting illustration of the law of evolution that we Americans, starting from radically different traditions of legal education, by a wholly independent process, without any imitation of continental ideas, have adopted in substance the continental practice of university legal training.

What is the significance for the future of this remarkable growth of law schools? It means first of all the opening of a new career in the legal profession, the career of the law professor. This is a very ancient career in countries in which the Civil Law prevails. In Germany, for instance, a young man upon completing his law studies at the university, determines whether he will be a practicing lawyer, a judge or professor, and shapes his subsequent course accordingly. The law faculties are, therefore, rarely recruited from either practicing lawyers or judges. This custom will never, I trust, prevail in



this country. Several of my colleagues at Cambridge think that a law faculty made up in about equal proportions of men appointed soon after receiving their law degree, and of men appointed after an experience of from ten to twenty years in practice or upon the bench would give the best obtainable results. I should be willing to take the chances of a somewhat larger proportion of the younger men, if I believed them to have the making of eminent counselors or strong judges; and, surely, men lacking these qualifications ought never to be thought of as permanent teachers in a first-class law school. The experience of the new law school at Leland Stanford University may fairly be expected to throw light on this problem. Next year, four of the five law professors in that school will be men who received their appointments within two years after taking their degree in law. They all graduated with distinction, and might look forward with confidence to a successful career at the bar or on the bench. I venture the prediction that this California school will ere long be in the front rank of American law schools. One of their faculty told me that their ambition was to make the Stanford Law School better than the best Eastern law schools, and added, with commendable enthusiasm, that he believed they would succeed within twenty-five years. May God speed them to their goal!

But whatever question there may be as to the just proportion in a law faculty of professors from the forum and from the university, there ought to be no doubt that the faculty should be made up almost wholly of men who devote the whole of their time to the university. The work of a law professor is strenuous enough to tax the energies of the most vigorous and demands an undivided allegiance.

At the present time about one-fourth of the law professors of this country give themselves wholly to the duties of their professorships, while three-fourths of them are active in practice or upon the bench. These proportions ought to be, and are likely to be, reversed in the next generation. At the law schools of Harvard, Columbia, University of Virginia, Washington and Lee, Cornell, Stanford and as many more, nearly all the professors give themselves exclusively to the aca-

demic life. The University of Pennsylvania, I am confident, will not be long in joining this group. There are, of course, occasional instances of men of exceptional ability, facility and capacity for work, and of such abundant loyalty—I need not go beyond the walls of this building for illustrations—from whom it is better to accept the half loaf that they are ready to give, than the whole loaf of the next best obtainable persons. There is always the hope, too, that such men may, sooner or later, cast in their lot for good and all with the university. But it is a sound general rule that a law professorship should be regarded as a vocation and not an avocation.

Of this vocation the paramount duty is, of course, that of teaching. Having mastered his subject, the professor must consider how best he can help the students to master it also. Different methods have prevailed at different times and places. At the Litchfield School, Judge Reeve and Judge Gould divided the law into forty-eight titles and prepared written lectures on these titles which they delivered, or rather dictated, to the students, who took as accurate notes as possible, which they afterwards filled out and copied for preservation. A set of these notes, filling three quarto volumes of about five hundred pages each, was presented to the Harvard Law Library. The donor in his letter accompanying the gift wrote that these notes were so highly prized when he was a student at Litchfield that \$100 and upwards were frequently paid for a set. At a time when there were very few legal treatises, this plan of supplying the students with manuscript text-books served a useful purpose. But with the multiplication of printed treatises, instruction by the written lecture, which Judge Story, as far back as 1843, characterized as inadequate, has been rightly superseded. The recitation or text-book method was for many years the prevailing method, and is still much used. A certain number of pages in a given text-book are assigned to the students, which they are expected to read before coming to the lecture room. The professor catechises them upon these pages, and comments upon them, criticising, amplifying and illustrating the text according to his judgment. In the hands of a master of exposition, who has also the gift of provoking discussion by putting hypothetical cases, this method will

accomplish valuable results. But the fundamental criticism to be made upon the recitation method of instruction, as generally handled, is that it is not a virile system. It treats the student not as a man, but as a schoolboy reciting his lesson. Any young man who is old enough and clever enough to study law at all, is old enough to study it in the same spirit and the same manner in which a lawyer or judge seeks to arrive at the legal principle involved in an actual litigation. The notion that there is one law for the student and another law for the mature lawyer is a pure fallacy. When thirty years ago Professor Langdell introduced the inductive method of studying law, it was my good fortune to be in his first class at the Harvard Law School, so that we had an opportunity to compare his method with the recitation system. We were plunged into his collection of cases on Contracts, and were made to feel from the outset that we were his fellow students, all seeking to work out by discussion the true principle at the bottom of the cases. We very soon came to have definite convictions, which we were prepared to maintain stoutly on legal grounds, and we were possessed with a spirit of enthusiasm for our work in Contracts, which was sadly lacking in the other courses conducted on the recitation plan.

There are some very suggestive sentences in Lord Chief Baron Kelly's testimony before the Parliamentary Commission of 1855. He was giving his reasons, derived from his own experience, for setting a much higher value upon the experience in the chamber of a barrister or special pleader than upon courses of lectures. "Perhaps," he says, "there was too much copying. But there was also this—there were constant debates, there were constant investigations of every case that came into the barrister's or pleader's chambers for his opinion, and looking up of cases; and then the students, each giving his own opinion upon the case, and saying why he formed that opinion, by referring to authorities; and then the barrister saying, my opinion is so and so, upon such and such grounds, correcting the errors of the one student, and approving of the course resorted to by the other. That was the way in which I learned the law, together with reading; and if I am to compel anybody to go through any course at all, it would

be just that course." The Lord Chief Baron was exceptionally fortunate in his student experience. He was in truth at a private law school conducted on the sound principle of developing the student's powers of legal reasoning by continual discussion of the principles involved in actual cases. With the extinction of the special pleader there are few such schools left, even in London, and none at all in this country. One of my colleagues has said that if a lawyer's office were conducted purely in the interest of the student, and if, by some magician's power, the lawyer could command an unailing supply of clients with all sorts of cases, and could so order the coming of these clients as one would arrange the topics of a scientific law-book, we should have the law-student's paradise. This fanciful suggestion was made with a view of showing how close an approximation to this dream of perfection we may actually make. If we cannot summon at will the living clients, we can put at the service of the students, and in a place created and carried on especially for their benefit, the adjudicated cases of the multitude of clients who have had their day in court. We have only to turn to the reported instances of past litigation, and we may so arrange these cases by subjects and in the order of time as to enable us to trace the genesis and the development of legal doctrines. If it be the professor's object that his students shall be able to discriminate between the relevant and the irrelevant facts of a case, to draw just distinctions between things apparently similar, and to discover true analogies between things apparently dissimilar, in a word that they shall be sound legal thinkers, competent to grapple with new problems because of their experience in mastering old ones, I know of no better course for him to pursue than to travel with his class through a wisely chosen collection of cases. These "constant debates" in the class have a further advantage. They make easy and natural the growth of the custom of private talks and discussions between professor and students outside of the lecture rooms. Any one who has watched the working of this custom knows how much it increases the usefulness of the professor and the effectiveness of the school.

But the field of the law-professor's activity is not limited to

his relations with the students, either in or out of the classroom. His position gives him an exceptional opportunity to exert a wholesome influence upon the development of the law by his writings. If we turn to the countries in which the vocation of the law-professor has long been recognized, to Germany, for instance, we find a large body of legal literature, of a high quality, the best and the greater part of which is the work of professors. The names of Savigny, Windscheid, Ihering and Brunner at once suggest themselves. These and many others are the lights of the legal profession in Germany. The influence of their opinions in the courts is as great or even greater than that of judicial precedents. Indeed, to our way of thinking, too much regard is paid to the opinions of writers and too little to judicial precedents, with the unfortunate result that the distinction of the continental judges is far less than that of the English judiciary. The members of the court do not deliver their opinions *seriatim*, nor does one judge deliver his written opinion as that of the court. The opinions are all what we call *per curiam* opinions. Furthermore, one may search the reports from cover to cover, and not be able to find the number or the names of the judges who constitute the highest court in the German Empire.

But, while the Germans might well ponder upon the splendid record and position of the judges in England and in the best courts in this country, we, on the other hand, have much to learn from them in the matter of legal literature. Some of our law books would rank with the best in any country, but as a class our treatises are distinctly poor. The explanation for this is to be found, I think, in the absence of a large professorial class. We now at last have such a class, and the opportunity for great achievements in legal authorship is most propitious. Doubtless no single book will ever win the success of the Commentaries of Blackstone or Kent. And no single professor will ever repeat the marvelous fecundity of Story, who, in the sixteen years of his professorship, being also all those years on the bench of the Supreme Court, wrote ten treatises of fourteen volumes, and thirteen revisions of these treatises. We live in the era of specialization, and the time has now come for the intensive cultivation of the

field of law. The enormous increase in the variety and complexity of human relations, the multiplication of law reports, and the modern spirit of historical research, demand for the making of a first-class book on a single branch of the law an amount of time and thought that a judge or lawyer in active practice can almost never give. The professor, on the other hand, while dealing with his subject in the lecture room, is working in the direct line of his intended book, and if he teaches by the method of discussion of reported cases, he has the best possible safeguard against unsound generalizations; for no ill-considered theory, no doctrinaire tendency can successfully run the gauntlet of keen questions from a body of alert and able young men encouraged and eager to get at the root of the matter. He has also in his successive classes the gratuitous services of a large number of unwitting collaborators. For every one who has ever written on a subject, which has been threshed out by such classroom discussion, will cordially agree with these words of the late Master of Balliol: "Such students are the wings of their teacher; they seem to know more than they ever learn; they clothe the bare and fragmentary thought in the brightness of their own mind. Their questions suggest new thoughts to him, and he appears to derive from them as much or more than he imparts to them."

Under these favoring conditions the next twenty-five years ought to give us a high order of treatises on all the important branches of the law, exhibiting the historical development of the subject and containing sound conclusions based upon scientific analysis. We may then expect an adequate history of our law supplementing the admirable beginning made by the monumental work of Pollock and Maitland.

But the chief value of this new order of legal literature will be found in its power to correct what I conceive to be the principal defect in the generally admirable work of the judges. It is the function of the law to work out in terms of legal principle the rules, which will give the utmost possible effect to the legitimate needs and purposes of men in their various activities. Too often the just expectations of men are thwarted by the action of the courts, a result largely due to taking a

partial view of the subject, or to a failure to grasp the original development and true significance of the rule which is made the basis of the decision. Lord Holt's unfortunate controversy with the merchants of Lombard street is a conspicuous instance of this sort of judicial error. When, again, the Exchequer Chamber denied the quality of negotiability to a note made payable to the treasurer for the time being of an unincorporated company, they defeated an admirable mercantile contrivance for avoiding the inconvenience of notes payable to an unchartered company or to a particular person as trustee. Both mistakes were due to a misconception of the true principle of negotiability and both were remedied by legislation. It would be difficult to find an established rule of law more repugnant to the views of business men or more vigorously condemned by the courts that apply it, than the rule that a creditor who accepts part of his debt in satisfaction of the whole, may safely disregard his agreement and collect the rest of the debt from his debtor. This unfortunate rule is the result of misunderstanding a *dictum* of Coke. In truth, Coke, in an overlooked case, declared in unmistakable terms the legal validity of the creditor's agreement. In suggesting these illustrations of occasional conflict between judicial decisions and the legitimate interests of merchants I would not be understood as reflecting upon the work of the judges. Far from it. The marvel is that in dealing with the many and varied problems that come before them, very often without any adequate help from the books, so few mistakes are made. From the nature of the case the judge cannot be expected to engage in original historical investigations, nor can he approach the case before him from the point of view of one who has made a minute and comprehensive examination of the branch of the law of which the question to be decided forms a part. The judge is not and ought not to be a specialist. But it is his right, of which he has too long been deprived, to have the benefit of the conclusions of specialists or professors, whose writings represent years of study and reflection, and are illuminated by the light of history, analysis and the comparison of the laws of different countries. The judge may or may not accept the conclusions of the professor, as he may

accept or reject the arguments of counsel. But that the treatises of the professors will be of a quality to render invaluable service to the judge and that they are destined to exercise a great influence in the further development of our law, must be clear to every thoughtful lawyer.

It is the part of a professor, as well as of a judge, to enlarge his jurisdiction. Mention should, therefore, be made of the wholesome influence which the professor may exert as an expert counselor in legislation, either by staying or guiding the hand of the legislator.

The necessity of some legislation to supplement the work of the judges, and the wisdom of many statutory changes will be admitted by all. But the power of legislation is a dangerous weapon. Every lawyer can recall many instances of unintelligent, mischievous tampering with established rules of law. One of the worst of such instances is the provision in the New York Revised Statutes of 1828, which changed radically the rule against perpetuities, and which called forth Professor Gray's criticism "that in no civilized country is the making of a will so delicate an operation and so likely to fail of success as in New York." Equally severe criticism may be fairly made upon the revolutionary legislation in the same state, in 1830, in regard to the law of trusts. This new legislation has produced several thousand reported cases and has given to New York a system of trusts of so provincial a character, that, in the opinion of Mr. Chaplin, the author of a valuable work on trusts, the ordinary treatises on that subject are deprived of much of their value for local use. A part of this provincial system worked so disastrously, and caused, as Chief Justice Parker has said in a recent opinion, so many "wrecks of original charities—charities that were dear to the hearts of their would-be founders, and the execution of which would have been of inestimable value to the public," that it was at last abolished and the English system of charitable trusts restored. No one will be so rash as to regard the law professor as a panacea against the evils of unwise legislation. But I know of no better safeguard against such evils than the existence of a permanent body of teachers devoting themselves year after year to the mastery of their respective subjects.



Then again the spirit of codification is abroad. It is devoutly to be wished that this spirit may be held in check, until we have a body of legal literature resting upon sound generalizations. If, however, codification must come prematurely, it is the part of wisdom to bring to the work the best expert knowledge in the country. The commission to draft the code should be composed of competent judges, lawyers and professors, and, in the case of commercial subjects, business men of wide experience. The draft of the proposed code should be published in a form easily accessible to any one, and the freest criticism through legal periodicals or otherwise should be invited during several years. In the light of this criticism the draft should then be amended and revised. In Germany, where by far the best of modern codification is to be found, these cardinal principles are followed as a matter of course. They were almost completely ignored, and with very unfortunate results, in the preparation of the Negotiable Instruments Act, adopted by several of our states. We should surely mend our ways in future codifications. In Germany much of the best work in the drafting of the code and of the criticism of the draft is done by the professors. There is no reason why under similar methods the same might not be true in this country.

This, then, is the threefold vocation of the law professor—teacher, writer, expert counselor in legislation. Surely, a career offering a wide scope for the most strenuous mental activity, a stimulus to the highest intellectual ambition, and gratifying in abundant measure the desire to render high service to one's fellow-men. If the professor renounces the joy of the arena, and the intellectual and moral glow of triumphant vindication of the right in the actual drama of life, he has the zest of the hunter in the pursuit of legal doctrines to their source, he has that delight, the highest of purely intellectual delights, which comes when, after many vigils, some original generalization, illuminating and simplifying the law, first flashes through his brain, and better than all, he has the constant inspiration of the belief that through the students that go forth from his teaching and by his writings, he may leave his impress for good upon that system of law which, as Lord

Russell has well said, "is, take it for all in all, the noblest system of law the world has ever seen."

To those of us who believe that upon the maintenance and wise administration of this system of law rests more than upon any other support the stability of our government, it is a happy omen that so many centres of legal learning are developing at the universities all over our land. May the lawyers and the university authorities see to it that these law faculties are filled with picked men. Until the rural legislator has enlightened views of the value of intellectual service, we cannot hope to have on the bench so many of the ablest lawyers as ought to be there. But the universities, many of them at least, are not hampered by this difficulty. They have it in their power to add to the inherent attractiveness of the professor's chair such emoluments as will draw to the law faculty the best legal talent of the country. I have the faith to believe that at no distant day there will be at each of the leading university law schools, a body of law professors of distinguished ability, of national and international influence. That the Law School of this University will have its place among the leaders is assured, beyond peradventure, by the dedication of this building. The lawyers of future generations, as they walk through these spacious halls, and see this rich library, and the reading-rooms thronged with young men working in the spirit of enthusiastic comradeship, will say: "Truly it was a noble nursery of justice and liberty that the lawyers and citizens of Philadelphia erected in 1900"—but as they call to mind the distinguished lawyers and judges among the alumni, and as they read over the names of the juriconsults on the professorial staff, men teaching in the grand manner, and adding lustre by their writings to the University and to the legal profession they shall add. "But those men of Philadelphia builded even better than they knew."

*James Barr Ames.*