

## VOLUME 100

In the year 1852 two enterprising members of the Philadelphia bar, Asa I. Fish and Henry Wharton, published as editors the first number of the *American Law Register*. Their contribution to the law can now be measured by the continuity of the publication they originated throughout nearly one hundred years and its value during that time to the legal profession.

Mr. Fish and Mr. Wharton continued as editors for the first nine volumes. Thereafter and until 1891 the boards of editors consisted of judges, lawyers and professors from representative regions of the United States. In 1877, for example, the board of editors included the Honorable T. M. Cooley of Ann Arbor, the Honorable J. F. Dillon of Davenport, Iowa, and J. T. Mitchell, Esquire, and A. Sydney Biddle, Esquire, of Philadelphia. Cooley, a former chief justice of the Supreme Court of Michigan, had already written his famous treatises on constitutional law and torts. Dillon, a former judge of the Supreme Court of Iowa, had already made his name in the law as a result of his unparalleled treatise on the law of municipal corporations. Mitchell was later to become Chief Justice of the Supreme Court of Pennsylvania.

In 1891 two members of the Philadelphia bar became the sole editors of the publication. George Wharton Pepper and William Draper Lewis published the *Register* under the title *American Law Register and Review* until four years later Lewis became Dean of the Law School of the University of Pennsylvania. Realizing that an important attribute of a good law school was a law journal, Dean Lewis arranged for the *Register and Review* to be published by the Law School and to be edited by a board of student editors. The first student volume was published in 1896 as a continuation of the *Register and Review*. The name of the publication remained the same until 1908 when it was changed to the *University of Pennsylvania Law Review and American Law Register*. As a result of a Post Office regulation, the second part of the title was dropped in 1945.

The *Register* as a private publication contained leading articles by the editors and other contributors and comments on cases and matters of interest to the profession of the day. The student editors continued this tradition. As a result, the titles of articles spanning nearly a century furnish an indication of the course of legal interest over that period of time. In the eighteen-fifties emphasis was placed on Admiralty and current developments in English and French law. Later, in the early period of student editorship, topics of interest included Comparative Law, Criminal Law, International Law, Jurisprudence and Property. This is to be compared with the emphasis of the latest volumes on Civil Rights, Government Regulation, Labor Law, Taxation and Uniform Laws.

The influence of the *Register and Review* on the development of the law can never be exactly evaluated. Matters of interest to the bar of fifty or one hundred years ago are of interest today where methods or approaches suggested by the authors lend themselves to present application. While articles by such eminent legal scholars as Ames, Lewis and Wigmore lie dormant because the problems with which they dealt are not for the moment important, many other articles have retained their vitality through the years. Among these living landmarks in the law are Francis H. Bohlen, *The Right to Recover for Injury Resulting from Negligence without Impact* and *The Probable or the Natural Consequence as the Test of Liability in Negligence*; John Basset Moore, *Extradition*; George Wharton Pepper, *The Incidents of Irregular Incorporation*; Roscoe Pound, *Executive Justice*; Owen J. Roberts, *The Revival of a Prior by Revocation of a Later Will* and *Dependent Relative Revocation of Wills*; Austin Wakeman Scott, *Control of Property by the Dead*, to mention some of the outstanding. In this category falls the first article published by the Honorable Augustus Hand, *Schuyler Against Curtis and The Right to Privacy*.

No less significant has been the publication's service to the bar as a training ground for the leaders of the legal profession. The editors of the first volume as a law school publication included Owen J. Roberts, later Associate Justice of the Supreme Court of the United States, and William B. Linn, late Justice of the Supreme Court of Pennsylvania. Ever since, the mastheads of the *Review* have included the names of future leaders of the bar.

The present editors of the *Review* on the occasion of this century volume feel the same responsibility as their predecessors have felt before them. Almost one hundred years ago the editors wrote: "The right balance . . . amongst the variety of objects to be pursued, and of tastes to be consulted, can only be learnt in time. While some would desire the journal to devote itself merely to the practical side of the law, others might wish a higher and more scientific standard adopted. The editors cannot hope to have found the true medium. They will endeavor, however, to compensate in some degree, by industry and zeal, for such defects as error of judgment or want of ability may lead them into."

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