LEGAL EDUCATION. I. WHY?

Though the public attention has been frequently called, of late, to the subject of legal education, there is little danger of exhausting or overdoing it by restating the considerations which give it its importance. It has been the pride and glory of the American Bar that, as a body, they have held a position of power and influence in the community, which has reflected honor upon the individuals composing it, and bespoken for them, as it were, the favor and confidence of the public. Their education, the delicacy and importance of the trusts confided to them, the opportunities they have enjoyed of reaching the public ear and influencing the public judgment, while they have helped to establish for them a high social position, naturally brought with it a consciousness of wielding a moral power which they willingly accepted as something more than an equivalent for the wealth which they might have won in other occupations, but which was rarely within the reach of the profession. This was particularly true during the Revolution and for thirty or forty years after it. Large fortunes were rare in the country. The few who sought a collegiate education did so in reference to some professional pursuit, and as the want of learning, ability and political sagacity was felt to be a necessity to be supplied in establishing and developing the capabilities of a new form of government, the public
naturally looked to men trained to the bar, to supply the requisite qualifications as leaders and guides in perfecting the great experiment in which the country was involved. In this way, for many years after the affairs of the government and its general policy had become settled, a kind of prestige attached to the name and profession of a lawyer, often indeed but indifferently sustained, which gave them a consequence within the localities in which they were scattered through the country, which continued rather by force of tradition than any special learning or capacity which they possessed as individuals. The doctor, the minister, and the lawyer of the village were the organs and oracles of the village opinion, and the lawyer was content with an income of a few hundred dollars a year, because it enabled him to live as comfortably as his neighbors, while he was superior to most of them in the respect paid to his judgment and opinion.

In such a state of things, legal education was a secondary matter. Any man would have the mechanical trade of a lawyer by two or three years' work in an office, drawing writs and deeds from forms, collecting debts and reading his law out of his statutes, or picking up at the sessions of the courts, hints and data from the judge and leading counsel, and the rest was taken for granted by the people, who did not trouble themselves to question the capacity of whoever had been admitted to the bar. In the mean time, a few at every bar became, from choice as well as a kind of necessity, expert managers of cases, and able and often studious and learned jurists and advocates. The higher courts were graced and dignified by wise and upright judges holding their places by an independent tenure, and the prestige of the profession was sustained by the respect and admiration which its leaders won for it.

But in process of time a marked and permanent change came over the country and the bar. Education, especially of the colleges, became more widely diffused. It was no longer limited to the professions. As party politics succeeded to statesmanship, and noisy partisanship took the place of tried patriotism and sound judgment, public office came to be sought for as a source of profit and the means of livelihood. In such a state of things, money became more and more the chief end for which men labored, since it was made the test and measure of a man's social position, influencing and controlling politics through the press and the caucus, and giving consequence to men, who without it were of no account
in the community. There was a reason, therefore, why it became an object with young men to gain an early admission to practice at the bar with a view to making money, rather than take time to perfect themselves in the studies which would fit them to deal with its graver and more important duties. In those states where formerly a term of from three to five years was required, preparatory to an admission to the bar, the student may now, in many of them, by going through the form of an examination, be licensed and accepted as a counsellor at law in half that time.

For many years the more sober and discreet members of the bar in the country have felt that something must be done to sustain its character against the downward tendency which it was taking, from a liberal science to a mechanical trade. They hope to do it, among other things, by offering greater facilities for systematic courses of study. Law schools began to be substituted for the routine of offices. The experiment of Judge Reeves at Litchfield met with great favor, and became a decided success. That of Harvard University followed, and has done much to illustrate the value of thorough training as a passport to professional eminence. Other schools have multiplied in various parts of the country, till the instruction they offer has become accessible to a large proportion of professional students. Much has been done in this way towards keeping the bar from retrograding. This is indeed a great point gained, when it is remembered how much more is required than there ever before was, for it to hold its relative rank and position with others and, especially, the practical departments of business. Every art now has its corresponding science which occupies the study and attention of correct and active minds, and schools of technical learning train young men who resort to them, in all that is requisite to honorable success in practical and manual industry, as thoroughly, though it may not be as broadly and liberally, as was ever done by our American colleges. Our law schools, in the mean time, are in danger of losing the fine spirit with which they started in the eager haste of their students "to get into practice," and by reducing the requirements of their courses of study to the mechanism, rather than the science of the law.

In the generous competition which may arise between these different schools, there may occur mistakes in what should be the test of excellence in what these schools ought to aim at, by the
comparative exhibit in numbers which schools making the lowest requirements may offer in contrast with those whose course of study is broader and more extended, and whose teaching has more reference to principles and a systematic course of intellectual training, than the details of office business. Instead of any of our schools requiring too much elementary training, our belief is that, regarded as a means of bringing up and sustaining the profession where it used to stand, in the front rank of liberal callings, there must be a new departure in the training which is to fit young men for admission to it, corresponding, in some measure, to the advance made in educating students in our technical schools and institutes of science. In another article we hope to explain some of the points wherein we are behind in what should be the subjects taught, and the purposes aimed at, in the instruction of these schools.

It is enough for the present, that we protest against degrading the profession to a mere money-making business. Let the rich shoemaker build and enjoy the best house in the village; let the manufacturer of patent pills manipulate county caucuses, and John Morrissey play the game of politics till he wins a seat in Congress; but let the profession still have a right to boast that it has, as of old, a class whose ambition is above mere outside show and the honors which fawning and flattery can win; and who, standing in the foremost rank of culture and civilization, are able to guide the public mind in the great political inquiries of the day, to help solve the moral problems upon which the progress of the race depends, and at the same time to act as the safe counsellors and fearless advocates in upholding the cause of private justice, and thereby to inspire new confidence in all men in the protection which the law holds over them.

But while we would have the aims and purposes of the profession of this high order, it is not to be concealed that to attain them requires something more than generous motives and good intentions. The lawyer who is to make himself felt at the bar, must have an early and thorough preparation for it. He must start on the right course, and pursue it with all the aids of vigorous training and all the light of careful experience. He must, in other words, be educated for the work, and thus be prepared to grapple with and overcome the difficulties which lie in his way to success. There is no royal road to the learning of the law any more than of any