THE CORNELL UNIVERSITY SCHOOL OF LAW.

By Professor Harry B. Hutchins.

The Cornell University but recently celebrated its twenty-first annual commencement. Though among the youngest of the higher institutions of learning in the country, it enjoys the distinction of being among the largest. The University Register for 1888–1889 contains a Faculty roll of ninety-four, exclusive of officers whose duties are wholly administrative or clerical, and a student list numbering twelve hundred and twenty-nine. The marked increase in attendance, however, has taken place during the past four years. In that time the enrolment has more than doubled, and that, too, notwithstanding the fact of a considerable increase in the requirements for admission. The material equipment of the University is ample, and in many respects superior to that of any other in the country; and its location, on highlands overlooking the beautiful waters of Cayuga Lake, is unsurpassed. The visitor at Cornell is at once impressed with the fact that the little city of Ithaca is the home of a great university and of a living educational power. But the title of Cornell to distinction does not rest upon the beauty of its surroundings or upon its substantial halls and laboratories, not even upon the numbers that daily crowd its lecture-rooms, but rather upon the catholic spirit in which the institution was conceived and took form, and upon the liberal and enlightened policy that has thus far characterized its management.
The University owes its existence to the bounty of the United States and of Ezra Cornell. Its principal income is derived from two separate funds, known as the "Land Scrip Fund" and the "Cornell Endowment Fund." In July, 1862, Congress passed an act granting public lands to the several States which should provide at least one college where the leading object should be, without excluding other scientific and classical studies, and including military tactics, to teach such branches as relate to agriculture and the mechanic arts. The share of New York under this legislation was nine hundred and ninety thousand acres. This gift, however, was in the form of land scrip. And as there were no public lands in the State of New York, the only way in which the bounty of the General Government could be made available, was by sale of the scrip. The other Eastern States were, of course, similarly situated. The result was a flooding of the market, and a corresponding decline in value. Meanwhile the Cornell University had been incorporated, and the income arising from the sale of this government paper appropriated to its use. The important conditions contained in the act of incorporation were that Ezra Cornell should give the institution five hundred thousand dollars, that provision should be made for instruction in branches relating to agriculture, mechanic arts, and military tactics, and that the University should receive without charge for tuition one student annually from each assembly district. Mr. Cornell not only complied with the first condition mentioned, but also made an additional gift of more than two hundred acres of land, with buildings to be used for general purposes and for the department of agriculture. The requirements of the Congressional grant were fully met by the provision in the act of incorporation concerning instruction in agriculture, the mechanic arts, and military tactics. But the act went further, and declared that "such other branches of science and knowledge may be embraced in the plan of instruction and investigation pertaining to the University as the Trustees may deem useful and proper." Although the act incorporating the University appropriated to its use the income arising from the sale of the public land scrip granted to the State by Congress, yet without some manipulation whereby its value could be increased, the appropriation was of comparatively little importance. Therefore, with a view of giving to the University, or some person acting in its behalf, an opportunity to make the most of this Congressional grant, the State Legislature, by an act passed April 10, 1866, authorized the Comptroller to sell the scrip remaining unsold to the Trustees of the University, at a price not less than thirty cents per acre; and it was further provided that in case the Trustees should not agree to make the purchase, the sale could be made to any other person or persons, provided that proper security should be given that the whole net avails and profits derived therefrom should be paid over to and devoted to the purposes of the University. The Trustees not being in a condition to take the scrip, Mr. Cornell offered to make the purchase on certain conditions, the most important of which was embodied in a letter to the Comptroller in the following words: "I shall most cheerfully accept your views so far as to consent to place the entire profits to be derived from the sale of the lands to be located with the college land scrip in the treasury of the State, if the State will receive the money as a separate fund from that which may be derived from the sale of the scrip, and will keep it permanently invested, and appropriate the proceeds from the income thereof annually to the Cornell University, subject to the direction of the Trustees thereof for the general purposes of said institution, and not to hold it subject to the restrictions which the act of Congress places upon the funds derived from the sale of college land scrip, or as a donation from the Government of the United States, but as a donation from Ezra Cornell to the
Cornell University. The terms proposed were accepted by the State; and subsequently the rights and obligations of Mr. Cornell under the contract were, with the consent of the State authorities, assumed in full by the Trustees of the University. The "Land Scrip Fund," then, is the fund realized from the original sale of the scrip, while the "Cornell Endowment Fund," which at present constitutes the larger part of the endowment from which the income of the University is derived, is made up of the profits realized from the sale of the lands located with the college land scrip. The income from the former must be used for the purposes indicated in the original grant from the United States; while the income of the latter can be applied to any and all university purposes in the discretion of the Trustees.

As will be seen from the foregoing, the act of incorporation contemplates, and the endowments are planned with a view of providing for, a university in the most comprehensive sense of that term. That such an institution was in the mind of Ezra Cornell from the first, and has been constantly kept in view by the Trustees as an end to be realized, is apparent from the most cursory examination of the documents bearing upon the history of the undertaking. At the inauguration of Andrew D. White, LL.D., the first President of the University, Mr. Cornell indicated his comprehensive purposes by the use of language that cannot be misunderstood. In the course of his remarks upon that occasion he said:

"I desire that this shall prove to be the beginning of an institution which shall furnish better means for the culture of all men, of every calling, of every aim; which shall make men more truthful, more honest, more virtuous, more noble, more manly; which shall give them higher purposes and more lofty aims, qualifying them to serve their fellow-men better, preparing them to serve society better, training them to be more useful in their relations to the State, and to better comprehend their higher and holier relations to their families and their God. It shall be our aim and our constant effort to make true Christian men, without dwarfing or paring them down to fit the narrow gauge of any sect. Finally, I trust we have laid the foundations of a University, an institution where any person can find instruction in any study."

Nor were the ideas of the men who cooperated with Mr. Cornell in his great work any less liberal and far reaching. The report of the committee on organization announced a university scheme that was both advanced and comprehensive. Besides making provision for the ordinary classical course, for general courses in which French or German should be substituted for Greek, for a scientific and for an optional course, the plan embraced the organization, at such times as should be thought practicable, of the following departments,—agriculture, mechanic arts, civil engineering, commerce and trade, mining, medicine, law, jurisprudence, political science and history, and
education. The extent to which the subsequent development of the University has been in accordance with the policy announced in this report, is apparent from the fact that all of the courses and departments just named, with the exception of the departments of commerce, mining, and medicine, are in operation at the present time, together with several additional courses and schools.

The establishment, therefore, of a school of law at Cornell was but the carrying out of a part of the original university scheme. That such a school was not organized earlier was due to circumstances beyond the control of the governing board. The University was opened in the fall of 1868, with ample provisions, as it was supposed, for the demands that would naturally be made upon its treasury. In a very few years, however, the financial outlook was threatening in the extreme. Pine lands had become a drug; and in consequence of this, the income which had been counted upon from this source was not forthcoming. Expenditures were, of necessity, reduced to a minimum. All departments suffered, but most those whose prosperity depended upon expected profits from the sale of lands. The establishment of new schools at such a time was, of course, out of the question. This condition of affairs continued until 1881, when a marked appreciation in the value of pine lands and large sales by the University at good figures put the institution upon a solid financial basis. From that time to the present, the growth and prosperity of Cornell in all directions have been uninterrupted.

With the incoming of the present administration, the original purpose of the founders and Trustees of the University to add at some time professional schools was again made a question of the hour. In his inaugural address, delivered Nov. 19, 1885, President Adams, in considering the possibilities of enlarging the scope and the influence of the University in the near future, suggested, among other desirable advance-ments, the early establishment of a school of law. In his first annual report, submitted to the Trustees June 16, 1886, the President brought the matter formally to the attention of the Board, and concluded his consideration of the subject by recommending that a department of law be established, and that it be opened for instruction in the autumn of 1887. At the same meeting an exhaustive review of the situation was also presented by a committee that had been previously appointed to consider and report on the question, and this, too, concluded with a recommendation that such a department be opened at an early date. As the result of these recommendations, the School of Law was officially established. By an announcement issued by the President, June 17, 1886, the public were advised of the fact, and that the school would be in readiness for the admission of students in the autumn of 1887.

The Faculty of the school was chosen the following March. It had been previously determined that that body should consist of resident professors, whose time should be devoted to the work of instruction, and of such non-resident professors and lecturers as might from time to time be appointed. It was thought by the Trustees that the teaching of the law is as much a profession as is the practice of it, and that no school can now attain to the greatest power or usefulness without having a resident faculty of competent men whose duty it is to give their predominant energies to the labor of imparting instruction. The Hon. Douglas Boardman was elected Dean of the school, and Harry B. Hutchins, Charles A. Collin, Francis M. Burdick, Moses Coit Tyler, and Herbert Tuttle, resident professors. The last two named were already professors in the University. The following gentlemen were elected non-resident lecturers: The Hon. Francis M. Finch, the Hon. Daniel H. Chamberlain, the Hon. William F. Cogswell, the Hon. Theodore Bacon. Since that time the following have

This article would certainly be incomplete without at least a brief reference to the career and position of different members of the teaching force.

The Hon. Douglas Boardman was born Oct. 31, 1822, in the town of Covert, Seneca County, N. Y. He was graduated at Yale, in the class of 1842. Soon after leaving college, he began his professional studies, and was admitted to the bar in 1845. He settled in what was then the village of Ithaca, and was very soon in the enjoyment of an extended practice. During the years 1848, 1849, and 1850 he filled the office of District Attorney of Tompkins County in a manner creditable to himself and highly satisfactory to the people. His next public trust was that of County Judge, and the duties of this office were discharged with marked care and ability during the years 1852, 1853, 1854, and 1855. In the year 1856 a law-partnership was formed between Judge Boardman and Judge Finch, now of the Court of Appeals and a member of the Law Faculty at Cornell. This business connection continued until the year 1866. The firm of Boardman & Finch at once became prominent in legal circles; and litigation of the most important character was committed to their charge. No lawyers of the locality were better known or more highly respected, and none attracted a more desirable clientele. Judge Boardman became a member of the Supreme Court Jan. 1, 1866, and from that time until 1887, when he retired from the bench, was in continuous service in that tribunal. He brought to the discharge of his duties a temperament eminently fitted for a judicial career. Upon the bench he was always modest but firm, tolerant but at the same time independent. His sterling integrity and fearless performance of duty on all occasions secured for him the confidence and respect of his associates and of the bar. His opinions, scattered through many volumes of the Supreme Court reports, indicate thorough research, good sense, and marked fairness of spirit. The Trustees were certainly fortunate in securing a man of Judge Boardman's learning and experience as the official head of the school.

It should be added that for many years Judge Boardman has been an influential member of the Board of Trustees of the University, and that his services as chairman of the Finance Committee have been invaluable.

The Hon. Charles A. Collin is a native of western New York. He was graduated from Yale College in 1866. During the four years following his graduation, he was a teacher in the Norwich (Conn.) Free Academy. He was admitted to the bar of Connecticut and also of New York in 1870. From that time until his appointment as
professor of law at Cornell in 1887, he resided and practised his profession in Elmira, N. Y., and was for several years City Attorney of that city. His practice covered the wide range customary with lawyers of the inland cities, and he acted as referee in many important cases arising in that section of the State. While devoting his principal energies to his profession during his residence at Elmira, Professor Collin nevertheless retained a special interest in sociological studies, particularly in the line of charities and corrections. A natural love and aptitude for teaching found exercise in conducting a Sunday class of several hundred prisoners in the Elmira Reformatory, for the discussion of questions in practical ethics, which proved a successful as well as an unique experiment, attracting considerable attention from prison reformers. He is a prominent member of the National Prison Association, and the author of several important bills, in the line of his special studies, which have lately become laws in New York. The most important of these are the Consolidation Act for the care of pauper and dependent children, the act consolidating the laws governing the Elmira Reformatory and the law of the past winter, known as the “Fassett Prison Law.” During each of the last three years he has been employed, during a portion of the closing months of each session of the Legislature of this State, as special counsel of the Governor, to examine and report upon the constitutional and legal character of bills awaiting approval. In June last, he was appointed a Commissioner of Statutory Revision in this State, which office he still holds.

In the School of Law Professor Collin has shown himself to be specially fitted for the work of imparting instruction. He is possessed of the teaching power to a marked degree, and of a manner that at once wins the confidence, respect, and good will of his students. His work embraces instruction in the following subjects: Criminal Law and Procedure, Torts, Civil Procedure under the Codes, Private and Municipal Corporations, Wills and Administration.

Professor Francis M. Burdick is a native of DeRuyter, N. Y. He was graduated from Hamilton College in the class of 1869. For a time after leaving college, he was a member of the editorial staff of the “Utica Morning Herald,” though during most of this period he gave a part of his energies to the study of law in the office of the Hon. Charles Mason. In 1872 he was graduated from the Law School of Hamilton College, and upon his admission to the bar in the same year, entered upon the practice of his profession in the city of Utica. He was elected Mayor of Utica in the spring of 1882, and in the fall of that year was offered the professorship of law in Hamilton College, which he accepted. He entered upon the duties of his position at once, and was soon recognized as among the leading law-teachers of the country. Professor Bur-
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dick remained at Hamilton until the opening of the Cornell University School of Law, when he became a member of its Faculty, his work being instruction in Elementary Law, Contracts, including Agency, Evidence, Bailments, Mercantile Law, including Bills, Partnership, Sales, Suretyship, etc., and Roman Law. Thoroughly equipped for his duties by an extended experience as a practitioner and as a teacher, scholarly in his tastes, studious in his habits, of a sympathetic nature and of affable manners, Professor Burdick brings to bear upon the student an influence that is at once stimulating and refining. A young man is always at his best in his presence.

Professor Moses Coit Tyler was born in Connecticut, and was graduated at Yale in 1857. He was Professor of the English Language and Literature in the University of Michigan from 1867 to 1881 inclusive, except during the years 1873-1874, when he was literary editor of the "Christian Union." He has occupied the chair of American History in the Cornell University since 1881. Professor Tyler has been a frequent contributor to reviews and magazines, and has published, among other works, a "History of American Literature," a "Manual of English Literature," and the "Life of Patrick Henry." For years he has devoted his chief energies to studies in the fields of American Constitutional History and American Constitutional Law, and his lectures to the students of the School of Law at Cornell upon these subjects are most thorough and comprehensive in character, as well as being models from a purely literary point of view.

Professor Herbert Tuttle was graduated from the University of Vermont in 1869. He immediately entered journalism, and was for several years at Berlin as correspondent of the "London Daily News." While abroad, Professor Tuttle made an exhaustive study of international law and of political and historical subjects.

Returning to the United States, he was a lecturer on international law at the University of Michigan for a year, when he was called to Cornell. His present position is that of Professor of the History of Political and Municipal Institutions, and of International Law. He is the author of a "History of Prussia to the Accession of Frederic the Great," and of a "History of Prussia under Frederic the Great," and has been for several years a frequent contributor to American and foreign reviews and periodicals. As a lecturer, Professor Tuttle at once commands the attention of his hearers by his comprehensive treatment of the subject under consideration, and by his conciseness and clearness of statement.

From the date of his admission to the bar in 1876 to the time of his coming to Cornell, Mr. Hutchins was engaged in the practice of his profession in Michigan. When elected to his present position, he was Jay Professor of Law in the Law Department of Michigan University, having occupied that chair for
three years. At Cornell he gives instruction in Domestic Relations, the Law of Real Property, Common Law Pleading and Practice, Equity Jurisprudence, and Equity Pleading and Procedure. He is also Secretary of the school.

Of the non-resident members of the Faculty, perhaps those most thoroughly identified with the school are the Hon. Francis M. Finch and the Hon. Daniel H. Chamberlain.

Judge Finch was born at Ithaca in 1827. He was educated at Yale, where he took a leading position as a student and for his general attainments. Even before going to college, he manifested a remarkable literary talent, which he still retains, although he insists that "the practice of law has chastened and choked it down." He studied his profession in his native town, and was admitted to the bar in a little over a year after leaving college. The following extract from a sketch of Judge Finch's career, which has recently been made public, is so accurate in its statements and conclusions that we take the liberty of inserting it in this connection:

"Mr. Finch's practice was of rapid growth; he was a gentleman of fine scholarship, a hard student, a clear and persuasive reasoner, a wise, reliable counsellor, conscientious to a marked degree in the fulfilment of his relations to his clients, and tenacious in the advocacy of their rights, and he soon took a commanding position among the ablest lawyers of the Sixth District. The most important cases were confided to him, and his opinions upon legal questions were eagerly sought by the most eminent of his brethren at the bar. Early in General Grant's first presidential term he was appointed Collector of Internal Revenue for the Twenty-sixth District, New York, which office he resigned after holding it four years. At the organization of Cornell University, Mr. Finch became warmly interested in the institution, was one of its trustees, and its counsel and friendly adviser through its early troubles. In May, 1880, Mr. Finch was appointed Judge of the Court of Appeals of the State of New York, to fill a vacancy of six months. In 1881 he was reappointed to fill a vacancy of one year. In the fall of 1881 he was elected to a full term of fourteen years, which will expire Dec. 31, 1895. Mr. Finch possesses a natural mental grasp which seems able to take in the manifold bearings of a subject, to perceive its resemblances and harmonies, as well as its inconsistencies, almost at a glance. He has a judicial temperament without bias. In speech he is methodical, correct, rounded, and concise; his critical analysis of a subject, or résumé of a case, covers all its points and leaves no gaps to fill. His opinions have been always characterized by the utmost fairness of spirit, depth of learning, and thorough research. In short, it may be truly said that he possesses all the elements necessary for a career of honor and usefulness upon the bench. He is approachable, genial, and affable; and while he possesses large perceptive faculties and keen discrimination, he is almost philosophically tolerant. His chief relaxation is his large and well-selected library, to which he turns with delight from his arduous legal and judicial labors."

It remains only to add that in the lectures of Judge Finch before the law students on the Statute of Frauds and Fraudulent Conveyances, one at once discovers, not only a literary finish and excellence of the very highest order, but also the same depth of research and legal learning, the same power of discrimination and analysis, and the same comprehensive grasp of the subject in hand that in his opinions upon the bench have made him famous the country over.

The Hon. Daniel H. Chamberlain was graduated from Yale College in 1862, pursued legal studies at the Harvard Law School for one year, when he entered the army as a volunteer officer, and served till the close of the war. In December, 1865, he settled in Charleston, S. C., where, in 1867, he was a member of the State Constitutional Convention, and was elected Attorney-General of the State in 1868, filling the office for a term of four years. Returning to his profession in 1872, he was elected Governor in 1874, and occupied the office till 1877. He then resumed his practice in New York City, where he has since pursued his profession without interruption.
Here he has been chiefly engaged in the line of constitutional and corporation law, especially in the law of railway corporations. He has been counsel for the Virginia bondholders since 1880 in all their prolonged litigation; and was counsel for the bondholders in the well-known recent Reading and Wabash foreclosures. He has devoted much time and study to general topics of the law, some of the fruit of which has appeared from time to time in the shape of addresses, essays, and reviews. His course on Constitutional Law at Cornell consists of twenty-four lectures, and covers a copious treatment of the entire Constitution as expounded and fixed by the latest authorities. The course is most admirably adapted to the purposes for which it is given, and, although designed for students in the School of Law, is largely attended by members of other departments. As a lecturer, Governor Chamberlain is remarkable for the logical treatment of his subject, for absolute clearness and accuracy of statement, and for the richness of his style.

Instruction in the Patent Laws of the United States is given by the Hon. Benj. F. Thurston, of the Providence Bar, and Albert H. Walker, Esq., of the Hartford Bar. Mr. Thurston is a patent lawyer of national reputation, and a lecturer of great power. Mr. Walker is well known to the profession, not only by his career as a practitioner, but also through his valuable Treatise on Patent Law.

The course on Medical Jurisprudence is given by Professor Marshall D. Ewell, of Chicago, the well-known legal author and law teacher.

The Hon. Orlow W. Chapman, a prominent member of the New York Bar, and now Solicitor-General of the United States, delivers a special course on the law of Life Insurance.

The Hon. Goodwin Brown, of the Albany Bar, for the past seven years Executive Counsel in pardon and extradition cases, gives a brief course of instruction upon the Law of Extradition.

Instruction in Admiralty Law and in the Law of Marine Insurance is given by George S. Potter, Esq., a member of the well-known admiralty firm of Williams & Potter, Buffalo, a gentleman of large experience in those specialties. And the Hon. Alfred C. Coxe, of the United States District Court, has recently been elected a non-resident lecturer in the school upon the subject of Admiralty.

Several important questions connected with the organization of the school had been determined by the Trustees before the election of the Faculty, but in a way entirely satisfactory to that body. One of these was as to the length of the course of instruction. It had been very much desired to make the course from the first one of three years. But in view of the fact that by court rule in the State of New York one of the three years of study required must be in the office of a practitioner, this was not thought to be
advisable. It was the opinion of the committee to whom the question was referred, that, for the present at least, the period of instruction should extend through two years of nine months each, and that the course in law should in all respects be co-ordinate with the courses then existing in the University; and it was so determined by the Board. It should be said in this connection, however, that steps have been taken looking to the extension of the course to three years, and that the necessary action to bring about such a result will undoubtedly be had in the near future.

Another question that the Faculty found satisfactorily solved was as to the requirements for admission to the school. It is, perhaps, unfortunate that the conditions in this country are such that a thorough college education cannot be made a prerequisite to the study of the law. We cannot, however, close our eyes to the fact that some of our most distinguished jurists and lawyers have attained their eminence without the preliminary training represented by an academic degree. It seemed to the committee that it would be unjust, as well as unwise, not to recognize this fact in fixing the standard for admission at the opening of the school. It was therefore determined that applicants for admission must have a preliminary education at least equal to that required for registration as a student of law by the rules of the Court of Appeals of the State of New York. The requirement consists of a thorough knowledge of arithmetic, English grammar, geography, orthography, American and English history, and English composition. This still remains the minimum standard; and all applicants for admission, except graduates of universities or colleges, graduates of reputable academies or high schools, and persons who have received the "law students' certificate," issued by the Board of Regents of the University of the State of New York, who are admitted upon diploma or certificate, are required to pass a satisfactory examination upon the subjects named.

Although no law faculty in this country has as yet thought it just or wise to limit attendance to such only as have completed an undergraduate course, yet several of the schools, Cornell among the number, are making earnest efforts to raise the standard for admission, and to attract students who have already taken a baccalaureate degree. It is the purpose of the Faculty at Cornell to add to the requirements in the near future at least an elementary knowledge of the Latin language, and to increase the standard from time to time as the state of education in the territory from which they draw their students will warrant them in so doing.

The questions that at the outset demanded the attention of the Faculty were as to the course of instruction and the methods to be followed. The first was easily settled. The elements of the law are essentially the same in all parts of the country, and the members
of the profession are substantially agreed as to what the student should study before he presents himself for admission to the bar. But as to how he should study and be taught, there is as yet considerable difference of opinion. It is not the purpose of the writer to discuss the merits and the defects of the several systems of instruction. This has been thoroughly done in articles that have appeared from time to time in this periodical. Suffice it to say that it was not thought wise that any particular method should be made, by special Faculty action, distinctively characteristic of the school, but that the proper course lay in giving to the different members of the teaching force entire freedom in that regard. The result has been a use of all recognized methods by each member of the Faculty, the method changing frequently with a change of subject; but it is probably correct to say that instruction to the more advanced students by means of the study of specially selected cases has been from the first a special feature of the school.

The course of study is a graded one. The following is a statement of the subjects upon which instruction is given and examinations required, together with suggestions as to the methods in use:

**Junior Year.**

1. **Elementary Law.** Selected parts of the Commentaries of Blackstone are used as the basis of this work. The student is thoroughly examined each day upon portions of the text that have been previously assigned; he also listens to lectures and expositions by the professor in charge.

2. **Contracts, including Agency.** The work in this subject is carried on by text-book exposition and recitations, and after the elementary principles have been mastered, by the study of selected cases.

3. **Criminal Law and Procedure.** General lectures in which the fundamental principles are fully explained, supplemented by the study of selected cases. With New York students, special attention is given to the New York Penal Code and the New York Code of Criminal Procedure.

4. **Torts.** Text-book and recitations, supplemented by lectures and to some extent by work upon cases.

5. **Domestic Relations.** Text-book exposition and recitations principally; some parts of the subject, however, are taught by lecture.

6. **The Law of Real Property.** This is begun during the junior year, one term's work of eleven weeks being devoted to it. The work consists of a thorough mastery of the second book of Blackstone so far as it is devoted to real property, with daily examinations.

7. **Evidence.** Text-book, lectures and cases.

8. **Common Law Pleading and Practice in Cases at Law.** Some approved text-book on pleading is used as a basis for this work. In connection with the text-book work, informal lectures on practice are given. The student is also given work in the preparation of pleadings, and his efforts are carefully examined and criticised by the professor in charge.

9. **Civil Procedure under the Codes.** This subject is begun during the last term of the junior year, and is taught chiefly by lecture.

10. **English Constitutional History.** Lectures.

**Senior Year.**

1. **Private and Municipal Corporations.** Lectures, supplemented by a thorough study of cases.

2. **Mercantile Law, including Bills, Partnership, Sales, Suretyship, etc.** These subjects are taught principally by cases.

3. **The Law of Real Property.** Some standard text-book is used as the basis for the general instruction. With New York students, special attention is given to statutory modifications.

4. **Equity Jurisprudence.** A full course of lectures is first given which covers the fundamental principles of the science. This work is supplemented by a thorough study of cases, selected with a view of illustrating such principles.

5. **Equity Pleading and Procedure in State and in United States Courts.** Lectures.

6. **Civil Procedure under the Codes.** Lectures and practical work, together with a special study of the Code of Civil Procedure, by New York students.

7. **Bailments.** Lectures and cases.

8. This is a lecture course given by the Dean,
and consists of "Practical Suggestions concerning the Preparation, Trial, and Argument of Causes."

It should be added that whenever a subject is taught by lecture, the professor giving instruction holds frequent and usually daily examinations, upon ground covered by previous lectures.

COURSES OF SPECIAL LECTURES.

Instruction by the non-resident members of the Faculty is by lecture, and for this work both classes are brought together. The non-resident courses as at present arranged are the following:—

1. The Statute of Frauds and Fraudulent Conveyances (two courses). The Hon. Francis M. Finch, of the New York Court of Appeals.

The regular class-room instruction of the school is fifteen hours per week for each class, or three lectures or recitations each working day. During some parts of the year, however, it has been found necessary to increase the amount somewhat. Attendance upon all the exercises of the school is compulsory, and the student who becomes lax in this respect is either "dropped" at once, or not admitted to examinations. It is the experience of the Faculty that in no other way can the best results be attained.

It is the effort of the Faculty at Cornell to teach both the principles of the law and how to apply them. To this end the University Court, so called, is made the forum for the discussion of such practical questions as most frequently arise in a professional career at the bar; and so far as it can be used for that purpose, it is made the means of familiarizing the student with pleading and practice, and with the general routine of court work. A session of the court is held, as a rule, each week during the school year; and all members of the senior class are required to attend regularly. The court is made up of the resident members of the Law Faculty, who sit together for the hearing of causes. The proceedings are conducted upon the hypothesis that certain facts are true, the only questions open to discussion being the principles of law that should be applied to the facts. The student having obtained from the Faculty a statement of facts, is required to prepare pleadings and to draw up a brief in which the principles of law applicable to the case must be clearly stated under appropriate divisions, and sustained by the citation of such authorities as he intends to rely upon in the oral argument. The pleadings are submitted to the professor having in charge the subject of pleading and procedure, who calls attention to such errors as may exist, and gives such practical information as he may deem advisable. The opinions of the court are in writing, and are placed on file in the Law Library for future reference.

The work done in this court both by professors and students has from the first been thorough and exhaustive. It is probable that no other school in the country furnishes the opportunities in this direction that are enjoyed at Cornell. Each member of the last graduating class engaged during his senior year in the preparation and argument of four causes, while the number presented...
by each member of the previous class during their last year in the school was six.

It was the purpose of the Trustees in the establishment of the school at Cornell, and has been the constant endeavor of the Faculty, that it should be characterized by the thoroughness of the training afforded. With this end in view, the examinations have been frequent, searching, and comprehensive. The university year is divided into three terms. At the end of each the members of both classes are subjected to oral and written examinations upon the work accomplished. The promotion of a student to full standing in his class at a subsequent term, and his continuance in the school are dependent upon the manner in which he passes such examinations. Furthermore, the Faculty do not hesitate to drop a student from the rolls at any time during the year on becoming satisfied that he is neglecting his work. At the end of the senior year all candidates for graduation are also required to pass satisfactory oral and written examinations on all of the subjects of the course. In the conducting of the written term and final examinations, no departure has been made from the ordinary university methods; but in the oral examinations a scheme has been adopted that is believed to be somewhat novel in law-school work. All oral examinations are conducted in private, no one being present except the professor and the candidate. The scheme in brief is this: each student is examined separately and in private upon each subject by the professor who has given instruction in the subject. It is believed that by this method several desirable results are secured, not the least among which is the opportunity thereby given for a second test of the student's acquirements, under circumstances where it is practically impossible for him to receive outside aid. The plan is also an eminently fair one for the candidate, as it removes the embarrassment that frequently comes from a public oral examination.

Each member of the senior class who is a candidate for a degree is required to prepare and deposit with the Faculty, at least one month before graduation, a thesis, not less than forty folios in length, upon some legal topic selected by himself and approved by the Faculty. The production must be satisfactory in matter, form, and style; and the student presenting it is examined upon it. Many of the essays prepared in obedience to this requirement have shown a range of investigation and a grasp of legal principles quite unusual in productions of this nature; and at least two out of those prepared by a single class have been accepted for publication,—the one by a leading English, and the other by a prominent American law periodical. The efforts of the students in this direction have probably been stimulated of late by the generosity of a friend of the school, who has given a fund of two thousand dollars, the income of which is devoted each year, under the direction of the Law
Faculty, either for prizes for graduating theses, or for printing theses of special merit, or for both such purposes. The way in which the income is to be applied is determined each year upon the presentation of the theses.

Provision is made for the instruction of law students in elocution and oratory. All or any of the university courses in these subjects are open to members of the school who may elect to take the work.

Students who have received the full course of instruction, performed all regular exercises, and passed the regular examinations, are admitted to the degree of Bachelor of Laws. And those admitted to advanced standing are entitled to all the privileges of the class of which they become members. When a person has been connected with the school for a period not entitling him to graduation, he may, on application to the authorities, receive, instead of a diploma, an official certificate, showing the length of time that he has been in attendance, and the degree of his attainments.

The school was first opened for the admission of students Sept. 23, 1887. The writer will perhaps be pardoned for inserting in this connection the following quotation from the Report of the President of the University for the academic year 1887-1888, in so far as it refers to the School of Law: —

"Among the changes of the year one of the most noteworthy has been the opening of the School of Law. The members of the Board of Trustees will recollect that it was with some solicitude that the first definite steps were taken looking toward the establishment of this school. It is but just, at the end of the first year of instruction, to say that our most sanguine expectations have been most fully realized. The school opened with an enrolment of fifty-five students, eleven of whom, having previously studied law for a considerable length of time, were admitted, on examination, to the senior class. Of these, nine have been successful in passing the examinations at the end of the year for graduation. The school entered, at the very beginning of its existence, upon a vigorous career, and at once showed all the energy of full maturity. In some of its peculiarities the school differs from those established elsewhere in the country. The amount of class instruction per week during the past year has amounted to about fifteen hours, or three lectures or recitations per working day. This is nearly fifty per cent more than is customary, and it is believed is a somewhat greater amount than is given in any of the other schools. The students, moreover, have had unusual facilities for practice in the drawing up of legal papers and the presenting of causes in court. Every member of the senior class has taken active part in the trial of as many as six causes in the course of the year, each cause having been argued before a court consisting of Professors Hutchins, Collins, and Burdick. The proceedings of these trials have been conducted with all the care that would be necessary before one of the State courts; and the final opinions of the court have been written out by one of the judges and left on file in the Law Library for consultation by members of the class. This feature of the school is so unusual, and brings to the students so unusual an experience, that it is in this connection worthy of special mention. By this method every student, before graduation, has an experience which he might be unable to gain during several years of practice at the bar.

The courses given by the non-resident lecturers have been an invaluable feature of the work of this year. They have stimulated the members of the classes, have given valuable opportunity for observing methods of legal investigation and thought pursued by men actively engaged in the courts, and have brought the students into personal contact with several prominent members of the American bar. On all of these courses the students have been regularly examined, and in this way the work of the non-resident lecturers has been closely incorporated into the requirements of the school. In not a few of the law schools of the country the work exacted is somewhat less in amount than is required of university students in other branches of instruction. I am of the opinion, however, that during the past year the most laborious class of students connected with the university has been connected with the School of Law. From every point of view we have reason to congratulate ourselves upon the harmony with which the members of the Faculty have worked together, upon the dili-
gence and success of the students, and upon the high quality of the instruction given. If the future of the school shall equal the promise of its first year, this new department will soon add very greatly to the influence and power of the University.”

The attendance of last year was eighty-five, the senior class numbering forty-one and the junior forty-four. Thirty-six were graduated at the last commencement. The attendance of the present year is one hundred and four, divided as follows: graduate students, nine; seniors, thirty-six; juniors, fifty-nine.

The students in every law school fall necessarily and naturally into two somewhat distinct grades, the one being made up of those who have enjoyed the advantages of a collegiate training, and the other of those who come from the preparatory and the common schools. There are exceptions, of course, but in most cases the extent of a man’s preliminary training is speedily seen by the manner in which he masters legal principles. Although the students of both grades at the time of their admission are equally ignorant of the law, yet it is, as a rule, very soon apparent that the graduate is acquiring his profession with much greater facility than his neighbor whose early advantages have been limited. The young man who has come from the common school or the academy may in the end make the better lawyer and possibly the more learned man, but he surely cannot get into the profession so soon or so easily as his college-bred companion. The distinction is recognized by rule of court in New York, and probably in other States, a liberal allowance of time being made in favor of the college graduate. No law school in the country entirely escapes the embarrassment that naturally arises from this difference in preparation. The majority of law-school students are not college-bred, and the amount of work assigned must be within their capacity to master. This state of things results not unfrequently in the graduate student concluding that it is better for him to devote a single year to vigorous work upon a selected course of study in a law school than to remain the full time and take the degree. These difficulties have to a certain extent been met and solved at Cornell through the advantages offered by the close connection between the School of Law and the School of History and Political Science. Special inducements are offered to those desiring to supplement their work in law with studies in the latter school, the courses of which cover a wide range of subjects, embracing among others the various branches of constitutional and political history, as well as the history of political and municipal institutions. It has been provided, by resolution of the Board of Trustees, that any student, who, in addition to his course in the School of Law, shall pursue studies in history and political science, amounting to at least four hours a week during two years, and shall
pass creditably the regular examinations in the same, in addition to the required examinations in the School of Law, may, upon the creditable completion of the course in law, and on the recommendation of the Faculty of Law and the Professors of History and Political Science, be accorded the degree of Bachelor of Laws, cum laude.

In obedience to what seemed to be a demand for such action, it was recently determined to provide hereafter opportunities for graduate work in the law, and an announcement to that effect has been made. The scheme proposed involves advanced instruction and study in the following subjects: Contracts, Mercantile Law, Corporations, Railroad Law, Insurance Law, The Law of Real Property, Jurisdiction and Procedure in Equity, Domestic Relations, Admiralty, Roman Law, American Constitutional Law, American Constitutional History, English Constitutional History, English Constitutional Law, Comparative Jurisprudence, General Jurisprudence, Political and Social Science. An extract from the Announcement of the School for 1889–1890, will indicate the nature of the work and how it is to be conducted:—

“Each graduate student at the opening of the university year will be required to select three subjects, to which the work of the year will be devoted. One of these he will designate as his major subject. To this he will be expected to give his best energies, making his investigations therein thorough, comprehensive, and exhaustive. To the other subjects, known as minors, he will give such attention as his time will permit. It is expected that his work in the minor lines will be of a more general character, and although thorough so far as prosecuted, will be less extended than that given to the major subject. By special permission from the Faculty, a student may devote all his time to one subject. Each student will be under the guidance of the professors in whose departments his subjects lie. He will receive from each full instruction as to the subjects to be investigated and as to the nature and direction of his work, and also such individual assistance as may be needed from time to time during the progress of his studies. Periodical reports and examinations upon work assigned will be required, at which time the professor in charge will go over carefully with the student the ground covered since the last report, making such criticisms and suggestions as may be necessary. In a word, the scheme proposed contemplates independent investigations by the student in the lines chosen, under the immediate direction and supervision of the different members of the Faculty. In addition to the foregoing, each student will be required to prepare a thesis upon some question connected with his major subject. This production must be scholarly in character and exhaustive in its subject-matter, and the author must be prepared to defend the positions taken therein. Graduate students will be expected to attend all non-resident courses of lectures given before the school, and in making provision for such courses their needs will be kept specially in view.”

It should be added that the course of instruction covers one year; that it is open to the graduate students of this or any law school of recognized standing, and that, if completed in a creditable manner, it leads to the degree of Master of Law.

It is believed that the work proposed will meet the needs, first, of those who desire to devote an additional year, under the direction of teachers, to the general study of the law; secondly, of those who propose to make a specialty in practice of some particular branch of the law, and who wish to take advanced preparatory work in the line of the specialty chosen; and thirdly, of those who have in view the study of the law as a science, and who desire to become familiar with the sources and philosophy of our jurisprudence.

The school is at present housed in Morrill Hall, where an entire floor is given up to the lecture-rooms, the library-rooms, and the offices of the resident professors. While the accommodations have thus far been ample, yet, if the attendance continues to increase, more spacious quarters must be provided. The authorities and the friends of the school realize this; and a building, to