

# History of the Cornell Law School

Edwin H. Woodruff

Follow this and additional works at: <http://scholarship.law.cornell.edu/clr>



Part of the [Law Commons](#)

---

### Recommended Citation

Edwin H. Woodruff, *History of the Cornell Law School*, 4 Cornell L. Rev. 91 (1919)

Available at: <http://scholarship.law.cornell.edu/clr/vol4/iss3/1>

This Article is brought to you for free and open access by the Journals at Scholarship@Cornell Law: A Digital Repository. It has been accepted for inclusion in Cornell Law Review by an authorized administrator of Scholarship@Cornell Law: A Digital Repository. For more information, please contact [jmp8@cornell.edu](mailto:jmp8@cornell.edu).

# The Cornell Law Quarterly

Volume IV

JUNE, 1919

Number 3, 4

## History of the Cornell Law School

By EDWIN H. WOODRUFF<sup>1</sup>

While the Morrill Land Grant act of Congress passed in 1862, providing for the establishment of a college in each state, laid special stress upon instruction in such branches of learning as are related to agriculture and the mechanic arts, there was a particular inclusion of military tactics and a permissive inclusion of "other scientific and classical studies." In accepting the provisions of the Morrill Act the New York legislature complied with the specific terms of the federal legislation but expressed, by the charter of Cornell University, more comprehensively the objects of the University to be established in New York under the federal endowment. The charter provided 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." Mr. Cornell in his address at the opening of the university in 1868, stated more concretely his conception of the objects of the University: "I hope we have laid the foundation of an institution which shall combine practical with liberal education, which shall fit the youth of our country for the professions, the farms, the mines and manufactories, for the investigations of science and for mastering all the practical questions of life with success and honor." In a conversation with President White he formulated his definition of a university which has become the motto of his own: "I would found an institution where any person can find instruction in any study."<sup>2</sup> It is a curious incident that this plain man who was no scholar expressed his idea of a university in a way so similar to that of a plain man of the eighteenth century who was a scholar. Nearly a hundred years previously, Dr. Johnson, speaking of the English universities, said: "I would have the world be thus told: here is a school where every-

<sup>1</sup>Dean of the Cornell University College of Law.

<sup>2</sup>A. D. White: Reminiscences of Ezra Cornell, p. 9.

thing may be learnt." Mr. Cornell planned to "fit the youth of our country for the professions \* \* \* and for mastering all the practical questions of life with success and honor." Quite obviously this outlook envisaged the profession of law. President White in 1866 had presented to the trustees a report on the plan and organization of the university. His program included among other departments a department of law, but not all were to be created at the outset. His plan looked far into the future and included for instance, a department of trade and commerce which has not yet been established at Cornell, although many universities have since created schools of commerce. The priority of the subjects immediately contemplated by the foundation together with the limitation fixed by the extent of university funds deferred during the early years the establishment of a law school, although from 1869 to 1877, Theodore W. Dwight, head of the Columbia Law School, was non-resident lecturer at Cornell upon constitutional law.

In 1884, in the last but one of his annual reports to the trustees, President White expresses his satisfaction with the improved financial condition of the university and mentions without specification that there are departments which will begin to exist, he trusts, at no distant date. The following year, in his final report as president, he makes direct reference to the establishment of a law department: "We are called upon to establish a university and as a university in this and in previous centuries must have in view all the possibilities of applying the highest thought to the best action, we should look into the future with reference to those departments which will round out our existing institution to full university proportions,—especially the departments of law and medicine. Our position as regards a department of law is most favorable. Our aim should be to keep its instruction strong, its standards high and so to send out, not swarms of hastily prepared pettifoggers, but a fair number of well-trained, large-minded, morally based *lawyers* in the best sense, who as they gain experience, may be classed as *jurists* and become a blessing to the country, at the bar, on the bench and in various public bodies."

Mr. White retired from the presidency at the end of the academic year 1884-85 and was succeeded by President Charles Kendall Adams. At a meeting of the board of trustees on November 20, 1885, a resolution was passed, "that a committee of five be appointed to consider and report at the June [1886] meeting on the practicability and expediency of the early establishment of a law department in this university, such report to include the whole subject of plan of organization." The trustees' committee appointed pursuant to this

resolution consisted of President Adams, Chairman, Judge Douglas Boardman, Stewart L. Woodford, James Frazer Gluck and George R. Williams. Although the report of this committee was not made until June, 1886, it is evident that the establishment of a law school was regarded as imminent, because in February of that year the Merritt King law library of 4,000 volumes had been purchased by the trustees and was to be stored "until a law department of the university is established." The report of the special committee in June was a carefully considered discussion of the problem presented to it. The committee states that in its opinion there can be no justification of the founding of a law school at Cornell University unless it can be shown: (1) that the matter of education in the law is of great importance; (2) that provisions for such education are not already ample; (3) that education, at least in part, in a law school is better than education procured exclusively in a private office; (4) that Cornell University is so situated as to promise successful results in case a law school is founded; (5) that the establishment of a law school is justified by the fundamental laws of the university; (6) that larger results are likely to come from the school than would be likely to come from the same expenditures in any other way; (7) that the finances of the University will justify the necessary expenditures.<sup>3</sup>

Each of these points was discussed in detail upon the basis of careful and intelligent investigation and reflection. The first point was hardly arguable. The discussion of the second point revealed that the provisions for legal education in New York state were not ample at that time. There were 47 law schools in the United States and the number of students in existing law schools was 2,686, but the great majority of these schools were proprietary enterprises without endowment. In the eastern states there were found to be only three or four law schools having any important influence on legal education. Turning to New York state, the committee ascertained that outside of the cities of New York, Brooklyn and Albany not more than an estimated number of from 30 to 40 New York state law students were receiving a legal education in the law schools of the state. The portion of the state furnishing this small number of law school students had a population of three and a half million. At that time the vast majority of law students acquired their preparation for the bar in law offices. The committee concluded that there was plenty of room for the creation of a law school to serve a large number of New York state students. Upon the third point, the relative value of study in a law office and study in a law school, the

---

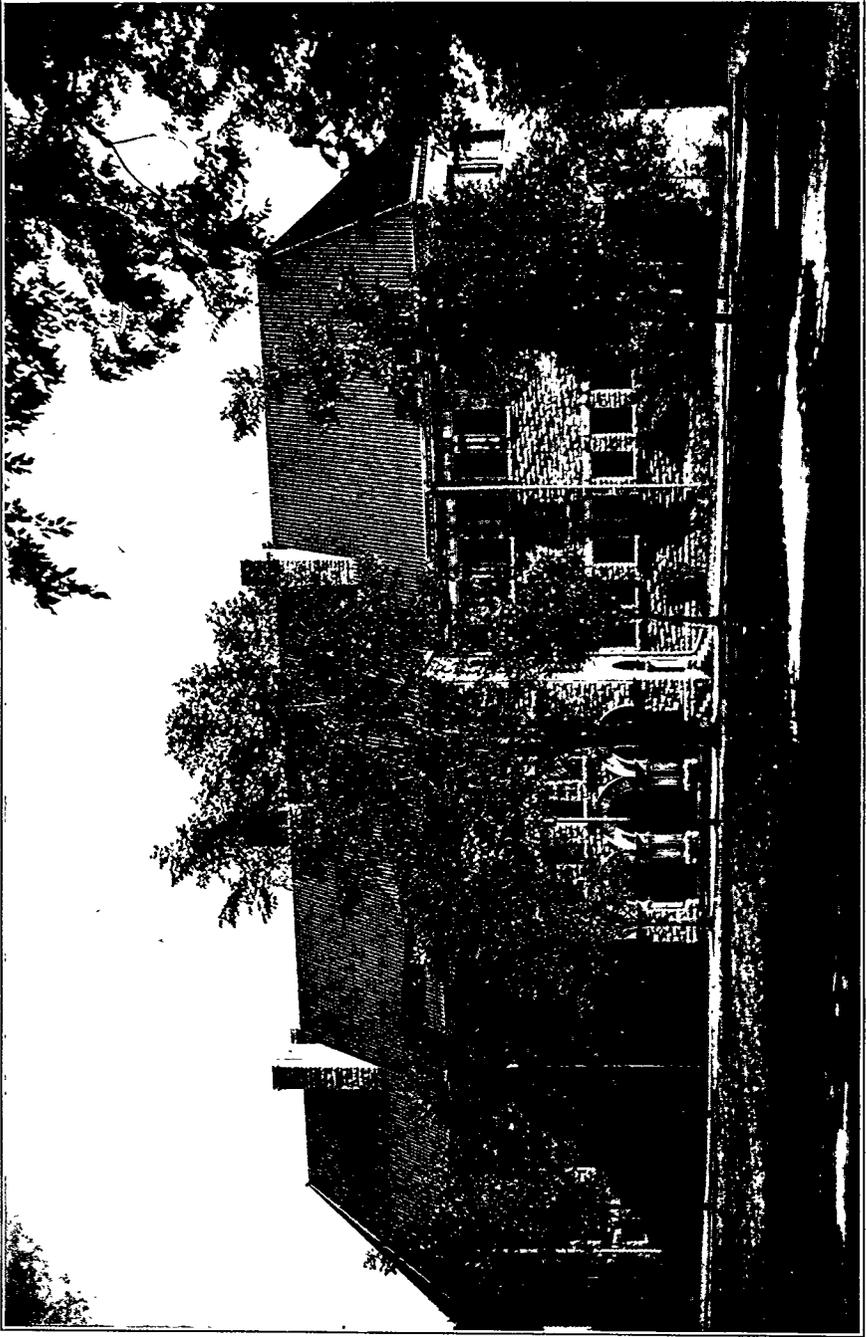
<sup>3</sup>Report of a Special Committee on the Establishment of a Department of Law, Ithaca, 1886.

committee fortified itself with a report upon the superiority of the law school, made in 1879 by a committee of the American Bar Association. Today that superiority is beyond doubt, yet in 1886 it was, as we see, a matter of debate.

Upon the fourth point, the committee decided that Cornell University was favorably situated for the establishment of a law school: "first, it is in the heart of a region abounding in students desiring instruction; secondly, it is in a situation to give the best quality of that instruction which is desired; and thirdly it is in a situation to give this instruction on the easiest terms to the students." The notion that propinquity to the courts in a city is important was dismissed as an advertising device and with a statement that unless a student knows the facts and the questions of law in a case and knows as well the significance of the things that are *not* done in court, the benefit he derives from sitting around a court-room is negligible. Upon the fifth question, the committee, referring to the Morrill Act, the charter and the original plan of organization prepared by President White, entertained no doubt that the establishment of a law school was compatible with "the letter and spirit of the fundamental laws of the university." It found that the purpose to establish a law department existed at the beginning of the university and that it could be fairly said that the purpose had never been lost sight of, although the necessary financial resources had not been available. The sixth question was answered by considering the relative claims of the proposed law school as against the establishment at Ithaca of a medical department or a mining engineering department, and the conclusion was reached that all things considered, a law department had prior claims upon university funds. Lastly, the committee went into a thorough discussion of the possible budget for the school, the probable income and expenses and expressed the opinion that the financial situation of the university would warrant the venture. As a result the committee unanimously recommended that the law school should be opened in the fall of 1887 and that the public be assured that "the purpose is to establish it upon the basis of such breadth and excellence of scholarship as will recommend it to the immediate favor of the profession."

The trustees thereupon adopted the report and the executive committee of the trustees was instructed to report a plan of organization and did so at the board meeting in October, 1886. The essential features of this plan were: The length of the course was to be two years. This period was adopted because the law schools at Columbia, Michigan and Yale had a two years' course and for the further reason that inasmuch as the rules for admission to the bar in New





BOARDMAN HALL

York required at least one year of study in a law office, a prescription of three years for a law school degree would compel the student to give four years to his preparation for the bar and would thus tend to deter prospective law students from securing a law school education and degree. They would be seduced into time-saving, unorganized and desultory study in an office rather than follow the organized curriculum of a law school under a staff of instructors. The committee recommended that the requirements for admission be limited to the presentation of a New York Regents' academic diploma or to examinations equivalent thereto. This requirement was substantially the same as for admission to the scientific and technical departments of the university at that time. The instruction recommended by the committee was two lectures a day to each class, in addition to text-book work, with an insistence upon a thorough drill in Blackstone's Commentaries, Kent's Commentaries, and "probably some other text-book." The teaching staff was to consist of three resident professors and several non-resident lecturers. In brief, this combination of instruction by lectures, quizzes and text-book recitations, was the method pursued by the better law schools of that day, except Harvard, where the case-book method of study now the accepted method at Cornell and most law schools, had been introduced, a number of years previously.<sup>4</sup> This plan of the executive committee was adopted by the trustees in October, 1886. At a meeting of the board March 9, 1887, the law school was definitely organized by the appointment of the members of the law faculty.

The beginnings of the school were modest. There was no formal opening function. The three professors and about 50 law students met in a small room on the fourth floor of Morrill Hall on September 26, 1887, and inaugurated the work of the school. Regular exercises were entered upon at once. The Merritt King law library numbering about 4,000 volumes was supplemented by the private collections of the law professors who generously offered the use of their books to the students. The quarters allotted to the school were inconveniently located, poorly ventilated and generally ill-adapted for the purposes of the school. Although the physical equipment was not adequate, nevertheless the school began its activities with promise of a useful and prosperous career. Fifty-five students were enrolled, of whom eleven were admitted to the senior class.<sup>5</sup>

---

<sup>4</sup>It should be noted, however, that from the beginning of the Cornell law school, most courses were in fact presented in part at least by the study of leading cases.

<sup>5</sup>Of the seniors, six were college graduates and one was already a member of the bar. Of the eleven seniors, nine received their degree the following June. Two of the nine in later years became deans of the school and one is a justice of the New York Supreme Court.—Eds.

The initial resident faculty consisted of Judge Douglas Boardman, Dean, and resident professors Harry B. Hutchins, Francis M. Burdick and Charles A. Collin, although Judge Boardman, except for a brief course of lectures did not actively participate in the instruction given. The amount of class-room instruction was from 15 to 16 hours per week, a larger number of hours than was usually provided in other law schools. The resident members of the faculty were overburdened with work but sustained it with energy, ability and the liveliest interest. The students were alert, industrious and were stirred by pride in the new venture. The home of the law school from 1887 until the fall of 1892 was the whole of the top floor of Morrill Hall. The law library occupied the south end; the administrative and professors' offices the north end; and the rooms between were used for lecture rooms. The law school was thus launched without unusual incident and quietly became an integral part of Cornell University. In methods and aims and in the personnel of its faculty the law school took its place among the better law schools of that day.

Almost immediately, however, pressure was exerted for an advance of standards. At the June meeting of the trustees in 1889, a resolution was introduced at the instance of some of the alumni of the university that beginning in the fall of 1890 the entrance requirement be raised to be at least equivalent to that for admission to the general course of the university and that the law course be extended to three years. This resolution was laid upon the table but the supporters of the resolution were persistent and in June, 1890, the Associate Alumni of the university urged the trustees to consider the tabled resolution, whereupon the board referred the resolution to the law faculty which reported that it agreed in principle with the purpose of the resolution but argued the impolicy of an advance at that time. The faculty took the position that until the New York Court of Appeals increased its requirements for admission to the bar a compliance with the recommendation for higher standards in the law school would drive New York students into the law offices for their preparation rather than woo them into a law school for systematic study. As a result, no advance was made at that time. There is no doubt that the law faculty was eager to forward the improvement. In the first report of the dean of the law school in 1888 and prior to the action of the Associate Alumni, he said: "the most of our young men who enter upon the study of law without having had the discipline of a university education are very apt to be but indifferently equipped for their work. The faculty realize this and that the standards of the school cannot be of the highest order until the requirements for entrance are materially increased. They trust

that in the near future the sentiment of the profession in the state may be such as to make a change in this direction advisable and further that it may be such as to warrant the adding of another year to the course of instruction."

The first five years of the school may be said to constitute an era of beginnings. The end of 1891-92 found a small hard-working faculty and about 125 students inadequately housed, with a law library of some 10,000 volumes.

The year 1892-93 was a notable one in the history of the school. The opening of a new and admirably equipped building exclusively for the use of the school, together with the gift of the Moak library, furnished an equipment second to none at that time except that of the Harvard Law School. The year was also marked by some advance in the requirements for admission. By the end of the second year President Adams had reported that the accommodations for the law school were completely occupied and that in two years the need for a law school building would be urgent. In February, 1891, the trustees made an appropriation for a special building for the school. While the new building was not entirely completed, it was sufficiently far advanced to admit of its occupancy in the fall of 1892. On February 14, 1893, the building was dedicated and the Moak library formally presented with appropriate exercises. The presentation of the Moak library on behalf of Mrs. Boardman and Mrs. George R. Williams, the donors, was made by Judge Francis M. Finch; the gift was received on behalf of the university by President Schurman; and the ceremonies concluded with an address on the "Influence of America on Jurisprudence" by Chief Judge Charles Andrews of the New York Court of Appeals. The name of Boardman Hall was given to the new home of the school in honor of its first Dean, Judge Douglas Boardman. The building was erected at a cost of \$110,000. It is a three story structure of light gray Ohio sandstone, its exterior dimensions being 202 by 58 feet. The interior finish is of oak. On the first floor are three large lecture rooms and the necessary halls and cloak-rooms; on the second floor are the offices of the dean, the secretary and the several resident professors and *The Cornell Law Quarterly*; on the third floor are the law library rooms. The rooms and halls of the building have in the course of years been embellished by a large and varied collection of portraits of distinguished judges and lawyers and by several memorial tablets. Boardman Hall has proved to be a beautiful and cheerful home for the school and has an abiding place in the memory of hundreds of former students.

The school has sought to make educational progress as rapidly as circumstances would permit. The president, trustees and law faculty have always felt and expressed sympathy for higher standards of legal education, but circumstances have from time to time retarded the successive advances. The whole question of entrance requirements and length of the course and the limitations upon both were fully discussed at the time of the organization of the school and the farthest step then possible was taken. One hindrance has been the necessarily cautious and reluctant attitude of the New York Court of Appeals in not requiring a better and longer pre-legal education of law students. But the court is not to be criticised. As long as its authority to make rules for admission to the bar is derived from the legislature, any standard which the court may consider to be beyond the comprehension of the legislators invites an abrogation or modification of the authority now exercised by the court. That the danger is real is evidenced by the recent action of the Massachusetts legislature in degrading the requirements for admission to the bar in that state. A constitutional amendment conferring plenary authority upon the Court of Appeals in regard to admission to the bar is highly desirable. Another obstacle has in the past been found in the opposition, or more largely the indifference, of so many of the members of the bar itself to improvements in legal education,—an attitude, however, which is likely to change for the better as more and more of the members of the bar receive their education in reputable law schools. As long as the rules of the court and the view of a considerable number of members of the bar invite the unadvised or improperly advised student to a weak foundation for professional study, so long will there be schools to accept such students. The Cornell law school has hitherto sought to keep in advance of most of the schools in this state, but not so far in advance as to repel prospective students into the deceptive path of office study under present-day office conditions or into schools that are essentially commercial enterprises catering to those who seek the shortest route to the bar examinations.

The Cornell law school began in 1887 with an entrance requirement less than that of a high school and offered a two-year course leading to a law degree. A slight increase in the entrance requirement was put into effect in 1892; and a further advance was made in 1898 to the same entrance requirement prescribed for admission to the general course in the university. This increase which called for no more than a full four year high school course by way of preparation resulted in a decrease to 62 in the class entering in 1898 from the 125 in the preceding freshman class. This affords some evidence of the unfortunate effect of the rules of the Court of Appeals which



DEAN DOUGLAS BOARDMAN



DEAN FRANCIS M. FINCH



tend to invite prospective law students to acquire only the minimum pre-legal preparation required by its rules. No further action looking to more advanced preparation for beginning professional study in the school was taken until Dean Huffcut in 1905 devised an experimental plan for attracting students to some preliminary college work. The method as put into effect in the fall of 1907 was to offer two courses, one of three and one of four years. The three year course was simply the curriculum of law studies as then given. "Students in the four year course will take in their first year a single law course, the remainder of their work being in courses offered in the College of Arts and Sciences. The law course selected is that in Torts as being historically and essentially the most fundamental branch of civil law and the best adapted to the induction of students into methods of legal research and legal reasoning. Of the Arts and Science subjects, two are required, English History and Elementary Economics. The remainder are elective but subject in each case to the approval of the dean. In the second year the remainder of the first year law subjects are required and the Arts and Science electives correspondingly reduced. The junior and senior years include the regular law work for the last two years of the three year course. It is thought by the faculty that this scheme is much better from a pedagogical standpoint than the combination of law and arts and science subjects during three years and that the pursuit of subjects in Arts and Sciences almost exclusively for a year will afford much better preparation for professional study. It is expected that the result of this change will aid in determining whether a similar course should be exacted from all students entering the college without previous collegiate work."<sup>6</sup>

But inasmuch as the student could choose the three year course or the four year course, it was, therefore, still possible for the student to get his law degree without having had any college preparation. However, the desirability of taking some liberal studies became more and more obvious to the students; and the faculty strongly advised applicants who had not had at least two years of college work to pursue the four year course. Another advance became effective in the fall of 1911 when at least one year of college work became the requirement for admission to the three year course. The total substantial result of these progressive steps was to require at least one year of college work as a prerequisite to the law degree in both the three year and the four year course. The establishment of this requirement, gradually attained, caused no falling off in attendance.

---

<sup>6</sup>Dean Huffcut's annual report, for 1906-07, p. xlvii.

The goal which the law faculty had been desirous of reaching was directly approached when on April 26th, 1917, the law faculty passed a resolution which with subsequent modifications is as follows:

"An applicant for admission to the College of Law, as a candidate for a degree, must present a diploma of graduation from a university or a college, or a certificate that the applicant has met the entrance requirements and satisfactorily completed two years of study, other than professional law study, in a university or college of approved standing. (In September, 1919, applicants who prior to entering military or naval service, could have offered one such year of college work will be admitted if by reason of such service they have been prevented from offering two years of college work.)" This entrance requirement of two years of college work goes into effect in September, 1919, and the present four year course is then to be abolished.

Intimations of such a possible advance of requirements for admission to the law school are found in the previous reports of the dean to the president: in 1906 by Dean Huffcut, in 1908 by Dean Irvine, and in 1915 by the present dean. However, the first active step toward the adoption of the above resolution was taken on November 6, 1916, when the law faculty unanimously resolved that as a matter of educational policy two years of college work should be required for admission to the College of Law. A committee of the law faculty, consisting of the dean and Professors Burdick and McCaskill, was thereupon appointed to investigate the practicability of putting into effect such a plan for advanced entrance requirements. This committee prepared a full report upon every phase of the subject, and the report was submitted for consideration at a conference on April 20, 1917, specially called by the president and attended by all of the lawyer trustees of the university (except Judge Hiscock who was unavoidably absent), and by all of the members of the law faculty. Without a dissenting voice the conference was favorable to the proposed change, and embodied its approval in a recommendation to the board of trustees, which recommendation was adopted by the board on the following day. By the above resolution of April 26, 1917, the law faculty formulated the new rule increasing the entrance requirements.

In the report of the faculty committee the following reasons are given for advancing the pre-legal requirements to two years of college work:

"1. A considerable degree of maturity is a prerequisite to efficient work in law, and to the development of the necessary professional attitude towards the work of the law school.

"2. It is highly desirable that a lawyer have not only a professional training, but also a liberal education, so that he may be able to deal with the varied and intricate problems that are brought to him; so that he may be able to take an intelligent, comprehensive view of the economic, social, legal and political movements of his time; and so that he may be a good citizen as well as a good lawyer.

"3. There is a well marked line of division between the first two years and the last two years of academic study. The first two years lay the foundation of a liberal education, and the last two years are essentially years of specialization. To get one year of arts work is to get a disjointed fragment; to get two years of arts work is, to be sure, to get only a part of what the College of Arts and Sciences has to offer, but still it is to get a reasonably separable part.

"4. A large number of the reputable law schools of this country have already recognized this need and adopted two years of college work as a reasonable minimum entrance requirement.

"5. The schools which have gone from a lower requirement to a requirement of two years of college work as a preliminary to the study of law are strong in their assertions that they have been able to do better work since they made the change; and the schools which started with a two year requirement are equally strong in their conviction that they were wise in doing so.

"6. The present critical attitude towards the bar is largely due to the fact that many of its members view their calling as merely a business, and not in any sense as a profession. Greater maturity of our graduates, together with a longer period of study resulting in a more professional attitude towards the work in the law school, will aid decidedly in producing a deeper professional feeling in members of the bar at large."

It further appears from the report of the committee that of the fifty law schools comprising the membership of the Association of American Law Schools (which includes most of the better law schools of the country), twenty-six have entrance requirements higher than those heretofore in effect at Cornell. That the standards of legal education have generally advanced in a pronounced way in recent years is clearly shown by a classification of the schools in the Association of American Law Schools according to entrance requirements. Two schools require an A.B. of those who enter,—Harvard and Pennsylvania. Six schools require three years of college work,—Chicago, of candidates for the J.D. degree (for LL.B. high school graduation and over twenty-one years of age), Columbia, Northwestern, University of California School of Jurisprudence, Western Reserve and Yale. Eighteen schools (besides Maine which is not in the Association)

require two years of college work,—Colorado, Drake, Hastings, Illinois, Indiana, Iowa, Leland Stanford, Jr., Michigan, Minnesota, Missouri, Montana, North Dakota, Ohio, Oregon, Philippine University, Pittsburgh, Trinity and Wisconsin. Ten schools require one year of college work,—Cincinnati, Denver, Idaho, Kansas, Marquette, Nebraska, St. Louis, Syracuse, Tulane and West Virginia. Five schools require less than a year of college work but something more than high school graduation, Boston University School of Law, Creighton, George Washington, Kentucky, and Texas. Eight schools require only high school graduation, Dickinson, Oklahoma, Southern California, South Dakota, Tennessee, Washington, Vanderbilt and Virginia.

The law faculty has not yet prescribed a curriculum for the two years of prelegal study, but has advised that the student intending to enter the College of Law should so far as practicable include in his preparation for law, the fundamental college courses in government, economics, English and American history, English composition, one foreign language or more, physics, chemistry and physiology (including a laboratory course in at least one of these natural sciences.)

Other things being equal no doubt a full four-year course in liberal studies is desirable, but it is another question to ask whether it is a reasonable *requirement* for admission to the law school. Considering the complexity of the present conditions of life and considering the practical applications of the physical, natural, economic, social and political sciences involved in current litigation and legislation it is increasingly evident that the lawyer who has not had as much foundational instruction in these studies as is offered in the first two years of a college curriculum is seriously handicapped in competition with those who have had such a training.

The length of the course of instruction in professional law study at Cornell was at the beginning prescribed as two years. The reasons were as stated above by the executive committee of the board of trustees in the report made in October, 1886. The question of lengthening the course to three years was broached by President Schurman and Associate Dean Hutchins in their reports for 1893 although no definite recommendations were made. Pending the time when it should become practicable to extend the regular course to three years the faculty adopted with the beginning of the year 1889-90 the expedient of offering one year of graduate instruction leading to the degree of Master of Laws. This course was abandoned upon the establishment of the three-year course for the degree of Bachelor of Laws. During the nine years of the continuance of this plan of giving three years of law instruction the degree of LL.M.





CHARLES A. COLLIN



*Portraits by Edwin B. Child*

FRANCIS M. BURDICK

ORIGINAL LAW FACULTY



HARRY B. HUTCHINS

was conferred upon a total of sixty students. In 1895 it was decided to lengthen the law course to three years, this action to become operative with the class entering in the fall of 1897. This change had some effect upon the class entering that year as the number entering was one hundred and five as against one hundred and twenty-five in the freshman class of the preceding year.

November 6, 1916, the law faculty appointed a committee consisting of Dean Woodruff and Professors Burdick and McCaskill to inquire into the feasibility of extending from three years to four years the course of professional law study leading to the degree of LL.B. The committee prepared a somewhat elaborate report recommending the adoption of such extension as soon as it became practicable to do so. The report is now under consideration by the law faculty although no formal action has yet been taken. Subsequent to the resolution of the Cornell law faculty the Association of American Law Schools directed its executive committee, under the chairmanship of Dean Stone of the Columbia Law School, to give careful consideration to the advisability of extending the curriculum of law schools to four years. The committee has prepared a report reaching the conclusion that due to the added attention that is being given to courses on practice and procedure and the introduction of new subjects demanded by the increasing complexity of our law, the law school course must be extended to four years if the law schools are to do their full duty to the bar and to the student. The committee recommends that the needed additional year be taken from the years of preliminary college work, but that the period of college work should not be reduced below two years. The report will be considered at the meeting of the Association to be held in December, 1919. The four-year course has already been adopted as an alternative to the three-year course at the law school of Michigan University and of Northwestern University. In 1916 the Minnesota State Bar Association recommended that a four-year curriculum be adopted by the law school of the University of Minnesota. In 1915 Elihu Root in his presidential address before the American Bar Association said: "The profession is ready for it and the four years of training must come. It has already come to us in New York and it would seem that the only question is whether the law schools wish to utilize the entire period for thorough and systematic training or whether one year must be left for the wasteful methods of the law office in giving instruction." And at the meeting of the same Association three years earlier Dean Irvine of the Cornell Law School remarked upon "the inadequacy of three years for covering in a proper manner those branches of law which may be fairly deemed essential to the

students." From the foregoing opinions it would appear that the four-year law course is likely to be adopted in the not distant future by a number of our leading law schools.

The plan of organization submitted in 1886 to the trustees by its executive committee revealed the common view at that time as to the kind and method of legal instruction. The plan contemplated instruction by lectures, text-books and quizzes. But in the very first year at least one course, that in Bills and Notes, given by Professor Francis M. Burdick, was carried on by the case book method; the book used being Ames's Cases on Bills and Notes. Moreover, although without the use of case books, the study of especially assigned cases in the reports was adopted as a method of study, to some extent, in most of the courses given. In 1895 the case books were more fully recognized by their use in the courses on Contract, Torts, and Bills and Notes by Professor Huffcut; and beginning in 1896 case books have been used for substantially all of the work of the curriculum except practice work.

The primary purpose of Dean Langdell in introducing the study of cases at the Harvard Law School was evidently to adopt a method analogous to that of original research in science and history, and the result of such a study of cases on contract by himself is embodied in his "Summary of the Law of Contracts." In this intensive process the method as he conceived it, with its demand for original research in the primary sources, has not been found adapted to the requirements of ordinary law school work. However, the study of cases has other merits which have established it as the approved method of study. The cases still furnish the best material for independent thinking on the part of the students and present the content of law implicated with facts as the student will confront it himself in his future practice. Professor Williston of Harvard not long ago stated tersely the result of his observation of the working of the method and cause of its success: "The merits of the system of studying and teaching law from decided cases are mainly due to two circumstances: 1. The cases are the primary sources of the law; and the advantage of seeking law from its primary sources is analogous to the advantage of seeking history from its primary sources. It is the only way to be sure of accurate results. 2. The cases present concrete states of fact which illustrate the application of a rule of law. The interest and attention of the student is attracted by the story of the case, especially if the facts present an interesting situation, or one of common occurrence. He also acquires skill in the ordinary business of a lawyer, by endeavoring to apply rules which he has learned, or is learning, to a particular situation. Professor Langdell's primary idea in

introducing the case system was probably to gain the first of these advantages; but it may be questioned whether the second has not had quite as much to do with the success of the system."<sup>7</sup>

The Cornell law school has always paid especial attention to pleading and practice and from the beginning to the present has probably devoted more time to these subjects than has been given to them in most other schools. The excellence of the courses in this field of law has become one of the traditions of the school. The policy in this respect was voiced by Judge Finch in his report as dean in 1901: "The law student is little likely to learn practice unless it is thoroughly taught in the schools and it is an encouraging indication that they seem to appreciate the necessity. No occasional or incidental instruction in that direction will answer the emergency." It is quite true that a student in a law school cannot acquire the art of the advocate or that full proficiency in practice that is achieved only by long actual experience. Nevertheless, as has been well said: "It is always a long step from knowledge to ability to act, but none the less it is a step from knowledge, and not from ignorance." And where to a knowledge of how the principles of substantive and adjective law might be applied there is added as an integral part of the course on practice, some instruction in how they ought to be applied, an effective way is found for inculcating the doctrines of professional ethics. The gap between the law school and the law office must be narrowed, although it may challenge the patience and inventive skill of the teacher who gives himself to teaching practice. Professors Hutchins, Collin, Pound, Redfield, Irvine, Stagg and McCaskill have in succession brought to this work in the Cornell law school such a fund of knowledge and practical experience as to range the subjects of Pleading and Practice on a line with the courses in substantive law.<sup>8</sup>

A striking difference between the law curriculum offered at Cornell and those presented by the schools at Harvard, Columbia, the University of Chicago and many other prominent institutions has been the steadfast adherence at Cornell to a prescribed curriculum and the refusal to yield to the prevailing system of making the courses largely elective after the first year. Most of the other schools have probably been affected in this respect by the enormous and deserved prestige enjoyed by the Harvard Law School and they have followed its example in this, as in other ways. The argument offered in justification of the elective system in law schools is succinctly stated as follows:

---

<sup>7</sup>29 Harvard Law Review 567.

<sup>8</sup>In this connection attention is called to Judge Pound's article on "Teaching Procedure" in this number of THE CORNELL LAW QUARTERLY and to Professor McCaskill's article on "Teaching Practice" in the number of THE CORNELL LAW QUARTERLY for May, 1917.

"There are always those who deprecate an elective system in the law school on the ground that it encourages students to study the comparatively useless specialties instead of the great staple courses. The answer to this objection always given at Harvard is that no one can learn at a law school the entire content of the law; that all a law school can accomplish is to train the student in principles and methods, teach him how to look up a new case and leave him to do so; and that many subjects of law offer a good medium for such training."<sup>9</sup>

But there is some evidence that the present extensive system of electives at Harvard was not the result of any carefully reasoned pedagogical purpose. In the five or six years prior to 1890-91 the Harvard school had grown in numbers to an extraordinary extent. This resulted in increasing the staff of professors and assistant professors from six to eight in order to care for the enhanced attendance by dividing the larger courses into sections. The plan, however, was found unsatisfactory and abandoned after two years, leaving free for other work some of the staff which had been increased; and other work was provided for them by adding elective courses.<sup>10</sup> It is a curious circumstance that immediately afterward President Eliot even with his well known advocacy of large freedom of election in liberal studies said in remarking upon the increased financial resources of the Harvard law school: "It could afford to add to its staff at least one full professor and two instructors, but such additions would alter somewhat the character of the school for the amount of instruction would then be decidedly larger than any one student could possibly avail himself of and the elective system would necessarily be introduced to a much larger extent than now."<sup>11</sup>

It may also be noted that, although more directly for the same reason, namely, the large increase in attendance, the entrance requirement of an A.B. degree was introduced in order to cut down the numbers and not because on pedagogical grounds, it would be a generally reasonable prerequisite for legal study.<sup>12</sup> A few other schools have since sought to reach the same extreme entrance requirement, but apparently not because it was necessary to cut down the number of applicants. The great reputation of the Harvard Law

---

<sup>9</sup>Centennial History of the Harvard Law School, 1918, p. 44.

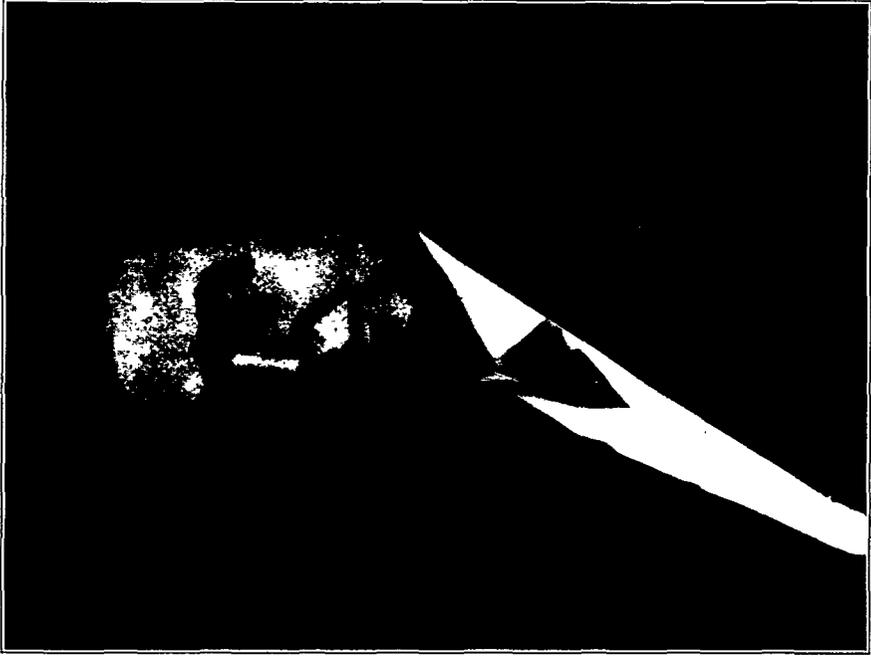
<sup>10</sup>Dean Langdell in reporting the provision thus made for an increase of elective studies does not mention any pedagogical value as being attributed to the adoption of the electives, or to the elective system for law schools. Dean Langdell's Report for 1893-94 pages 128-129. "As late as 1890 it was possible for a student to take every course in the school, although three or four more courses were given than he could be examined in; his election was therefore confined within narrow limits." Centennial History of the Harvard Law School, 1918, page 45.

<sup>11</sup>President Eliot's Annual Report, 1893-94, page 23.

<sup>12</sup>Centennial History of the Harvard Law School, 1918, page 45.



DEAN ERNEST W. HUFFCUT



DEAN FRANK IRVINE



School was not established upon an elective system nor upon its requirement of an A.B. degree for entrance, but upon the revolution the school has brought about in the methods of legal instruction and study and upon the group of great scholars and teachers who inaugurated the new era in legal education. The apparent desire on the part of some of our schools to accept all of the practices of the Harvard Law School brings to mind from somewhere these lines:

Great Homer nodded and th' admiring throng  
Did think him gracious and acclaimed him long;  
Tho' Homer's nod but drowsiness bewrayed  
Yet he, by plaudits waked, his thanks conveyed.

An analytic study and incisive criticism of the elective system in law schools was made by Dean Huffcut in his presidential address before the Association of American Law Schools in 1904, where he cogently set forth the defects of the system and reached the following conclusion: "To leave a student entirely free to elect after his first year about one-half of the courses offered is to assume that one subject is just as valuable for him as another. Barring some especially simple subjects, perhaps one is about as good as another as a mere intellectual exercise. As a means to legal discipline, probably a course on the conflict of laws is as effective as one on evidence or equity. By a parity of reasoning a course in Choctaw is as good intellectual exercise as one in Greek. But the college has to observe the demands of culture as well as those of discipline, and ought therefore to prefer Greek to Choctaw. The professional school has to observe the demands of practical legal efficiency as well as those of general legal discipline, and ought therefore to prefer equity or evidence to the conflict of laws or international law. Professional readiness in concrete matters of frequent occurrence will be well served by equity or evidence, but not by conflict of laws or international law, while general legal discipline will also be served by equity or evidence quite as well as by the other subjects. The argument is therefore twice as strong in favor of the fundamental and the vital topics as in favor of the non-fundamental and subsidiary ones.

"A free elective system must assume that the one end of general discipline is the only end to be considered. \* \* \* Schools owe it to the practitioners, and to the public the practitioners are to serve, to make sure that those who go forth with degrees have been trained in those things essential to the intelligent practice of the profession. It does not seem that the double object of the law school can be assured under an elective system. It does not seem that the novice can more wisely choose a course than the expert. Observation tends to show that many students under an elective system can choose the

path of least resistance or of most agreeable aspect. \* \* \* It seems to me that the elective system, in order to justify itself in the law school, must show, first, that it familiarizes all students who receive a degree with the fundamental and vital topics of the law, with the chief subject-matter of the profession, and, second, that it produces not merely general legal discipline, but also technical professional efficiency, not merely the ability to acquire, to weigh and decide, but the ability to do, to act promptly in any emergency, to know and to practice the law. When we observe that under this system a considerable fraction of students have taken their degrees without any study of equity or agency or some other fundamental topic of the law, and that all are free to do so, we cannot but conclude that the elective system does not meet the test of fitting men in the best possible way for the practice of their profession or of answering the highest possible potential and practical efficiency."<sup>13</sup>

Dean Stone in his report for 1915 on the Columbia Law School states that there are forty-three courses offered in that school during the three years program of study. He says: "Practically all of these courses deal with subjects about which the well trained lawyer must know something but obviously no student can successfully study them all in a period of three years." From such an ample program who shall do the choosing? The way out is not through an elective system, but by extending the course to four years and it is this reason that is really back of the present movement to lengthen the period of instruction in law schools.

The original plan of instruction in the Cornell law school emphasized that the work of the resident faculty was to be supplemented by courses given by non-resident lecturers and in the early days of the school much stress was laid upon this feature of the curriculum. The subjects of the courses and incumbents of these lectureships have been as follows: *Admiralty*: George S. Potter, of Buffalo, 1887-88, 1889-90; Judge Alfred C. Coxe, Utica and New York City, 1890-91 to 1907-08; Judge George C. Holt of New York City, 1908-09 to 1913-14; Justice Harrington Putnam of Brooklyn, N. Y., 1915-16 to the present. *Bankruptcy*: Royal A. Gunnison, Binghams-ton, N. Y., 1902-03 to 1904-05, 1906-07, 1909-10; William H. Hotchkiss of Buffalo, 1905-06, 1907-08, 1910-11 to 1912-13; James W. Persons of Buffalo, 1913-14 to the present. *Constitutional Law*: Daniel H. Chamberlain of New York City, 1887-88 to 1894-95; *Insurance*: William F. Cogswell, Rochester, N. Y., 1887-88, 1890-

<sup>13</sup>Reports of the Amer. Bar Assoc. 1904, pp. 570, 566-567. The comments of Professor Beale of Harvard Law School and Judge Julian Mack of Chicago in reply are also there given.

91; Judge Irving G. Vann, of Syracuse, N. Y., 1891-92 to 1894-95. *Medical Jurisprudence*: Marshall D. Ewell, Chicago, 1888-89, 1889-90; Dr. John Ordronaux, New York City, 1890-91 to 1897-98. *Patent Law*: Benjamin F. Thurston, Providence, R. I. 1887-88; Albert H. Walker, Hartford, Conn. and New York City, 1888-89 to 1909-10; William Macomber, Buffalo, N. Y., 1910-11 to the present. *Statute of Frauds, Fraudulent Conveyances*: Judge Francis M. Finch, 1887-88 to 1894-95.

One of the most notable events in the whole history of the law school was the establishment in 1915 of *The Cornell Law Quarterly*. This was not the first law periodical connected with the school. In June, 1894, an attempt was made to establish a review under the title, *Cornell Law Journal*, and one number was issued. Again in January, 1895, another venture was made under the title *New York Law Review*, of which numbers 1-5 were issued from January to May, and numbers 6-7, as a single number, June-July, 1895. Both of these projects were directed by Mr. Chas. H. Werner as Managing Editor, who graduated in 1895. Later from time to time earnest students had expressed the desire to co-operate in the publication of a law school periodical and when it became evident that there was sufficient interest to support the project, the faculty assented and selected for the faculty editor, Professor George G. Bogert, whose special interest and confidence in the project was not to be resisted. *The Cornell Law Quarterly* is issued in November, January, March and May. What its influence may be—what in fact four years of publication have shown it to be—was expressed in an editorial in the initial number: "The project had its inception in the request of our students and in the suggestions of our alumni that the work and interests of the law school be represented by a medium of expression that might periodically reach and be of some service to the hundreds of Cornell lawyers who are widely distributed throughout the country.\* \* \* *The Quarterly* hopes to excite the interest and win the support of many practitioners by their contributions or otherwise, and bring to them through its pages the resources of the Cornell law school and, so far as this medium can serve, the results of the work of our faculty and students. The law faculty is also impressed with the pedagogical value of a publication within the college itself. Earnest and capable students have expressed the wish or willingness to carry on further and independent investigation of problems presented in the classroom, or offered by current decisions. The publication of the results of such work, when deemed of value by the faculty, is a distinct incentive to thorough and scholarly endeavor on the part of students. \* \* This *Quarterly*, then, will not fail of its purpose, if it substantially

enhances the spirit of mutual service between the College of Law and Cornell lawyers; if it aids in some degree to foster any needed reform in the law, or to give help by intelligent discussion and investigation towards the solution of legal problems; and if it satisfies within the college itself among the students and faculty a desire to advance, beyond the point of classroom instruction, the cause of legal education in the larger sense. While attention will be given by *The Quarterly* to American law generally, especial notice will be taken of the development of New York law."

The results of the venture at the end of the first year in every way exceeded expectations. The subscribers numbered between 900 and 1,000, thus showing the substantial support accorded by our natural constituency. Many Cornell lawyers have expressed their pride in the publication and some have testified to the help that it has afforded them. But chiefly from the faculty point of view the pedagogical value of *The Quarterly* has been proved. For every number there have been from 25 to 30 students working enthusiastically and faithfully in the intensive study of the special problems afforded by recent cases for critical comment to be published in THE QUARTERLY. By far the larger share of the credit for the establishment of the periodical is due to Professor Bogert, the first Faculty Editor, who in the face of some discouraging circumstances at the beginning and later, steadily guided *The Quarterly* to success.

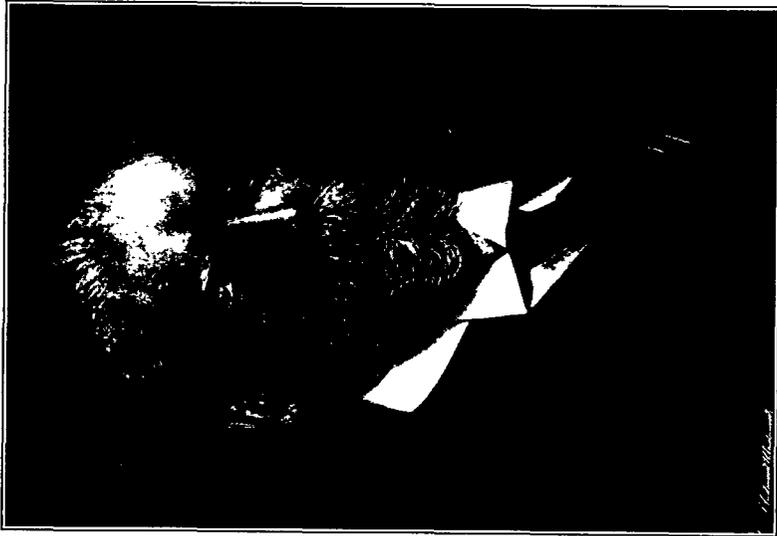
Prior to the establishment of the law school, the educational administration of the university was in the hands of a single general faculty. The law professors were, however, at the beginning constituted into a special law faculty,—for some years the only special faculty,—with jurisdiction over the students of the law school. This method of administration continued until 1896 when under a statute passed by the trustees late in 1895 the educational administration of the university was re-organized by creating a university faculty and several special faculties for various departments in the university and designating each of these departments as a college. By this statute the law school in 1896 received the official designation College of Law which it has since retained.

The following table shows the registration in the law school from the opening to the present time but does not include the registration in the summer session conducted as a faculty enterprise, under authorization of the trustees, during the six summers 1893-98.

1887-8	55	1890-91	122
1888-9	85	1891-2	123
1889-90	106	1892-3	176



WILLIAM A. FINCH



CHARLES E. HUGHES



CUTHBERT W. POUND



1893-4 .....	197	1906-07 .....	211
1894-5 .....	190	1907-08 .....	206
1895-6 .....	208	1908-09 .....	225
1896-7 .....	252	1909-10 .....	264
1897-8 .....	254	1910-11 .....	279
1898-9 .....	174	1911-12 .....	328
1899-1900 .....	178	1912-13 .....	297
1900-01 .....	182	1913-14 .....	269
1901-2 .....	198	1914-15 .....	245
1902-3 .....	225	1915-16 .....	243
1903-04 .....	241	1916-17 .....	255
1904-05 .....	228	1917-18 .....	191
1905-06 .....	222	1918-19 .....	216 <sup>14</sup>

Besides the students registered exclusively as candidates for the law degree which are the only ones included in the above table of registration, the law school has always given instruction to a considerable number of students from other colleges in the university. These are chiefly students in the College of Arts and Sciences who are by arrangement with that college permitted to take work in the law school that may be counted as credit toward both the A.B. and LL.B. degrees. The number of such students varies greatly from year to year. For example, there were 36 such students in 1915-16 and 18 such students in 1918-19.

Although one of the principal points elaborated by the trustees' committee to inquire into the desirability of establishing a school was the need of providing for New York state students, yet in the third year of the school, nineteen states exclusive of New York were represented in the registration. With some fluctuations the school has since 1906-07 shown a marked and increasing tendency to become more national in the distribution of its student body. Since that year the percentage of students from outside of New York state has varied from 30 per cent. in 1906-07 to the maximum of 44 per cent. in 1917-18. These figures have particular significance in a law school in their bearing upon the question as to the stress to be put upon instruction in the local law of the several states and in considering the variants from the English common law and diversity of legislation upon various topics.

---

<sup>14</sup>In 1918-19 the total law registration was 236, but of this number, the registration served merely as an entrance to the Students' Army Training Corps for twenty students who did not re-enter the law school after demobilization of the S. A. T. C. During the first term 1918-19, while the S. A. T. C. was in existence, the number of law students taking any law courses was only twenty-four.

The law school has now for thirty years conferred its benefactions. To what extent has there been requital? The law library has been the recipient of generous donations, but other opportunities for appreciation of the work of the school have with some few exceptions not been availed of by our former students and other friends. One records with gratitude the creation of the Boardman Prize. In the first year of the school Judge Boardman gave a fund of \$2,000, the income of which was to be devoted each year as a prize for graduating theses. In 1900 the title of the fund was changed to the Boardman Senior Law Scholarship Fund and since that time the income has been awarded annually in June to the junior who during the preceding two years has done the most satisfactory work in the school. In 1912, Wm. Metcalf, Jr., of Pittsburgh, Pa., of the law class of 1901 established the two Fraser scholarships in memory of Alexander H. R. Fraser, for many years the devoted librarian of the school. The terms of the gift are unusual and perhaps unique. The scholarships of the annual value of \$100 and \$50 respectively, are awarded each year to seniors whose law course has been taken entirely at Cornell and are bestowed only upon those who have "most fully evidenced high qualities of mind and character by superior achievement in scholarship and by those attributes of manliness which earn the commendation of teachers and fellow-students. The award is made upon recommendation of the senior class by vote from a list of members submitted by the faculty as eligible by reason of superior scholarship."

Another valued gift is the Frank Irvine Lectureship Fund, established in 1913, by the Conkling (Cornell) chapter of Phi Delta Phi, in honor of former Dean Irvine. It provided for one or more non-resident lecturers each year.

The best friends of the law school should be its former students. They should all manifest an active concern in its welfare. They should appreciate what it has done, but they should not stop there. Its future should equally enlist their sympathy and helpful interest. The claims of the school will never be exhausted. The following are the immediate and insistent needs: (1) Salaries of the members of the faculty have been inadequate whether viewed from the point of quality and extent of service rendered, or from the point of the increased cost of living. The professorships in the law school should be generously endowed. (2) A fireproof addition is needed to Boardman Hall in which is housed one of the most valuable law libraries in the country, although the building is not fireproof. This addition is essential for the protection of the considerable number of books that are either irreplaceable or difficult of replacement. Plans for such

an addition have already been prepared and await only the funds wherewith to construct it. (3) A number of scholarships to aid professional students of limited means by at least partial assistance, to enable them to pursue their studies during the increasing period that the better schools believe to be necessary for the best preparation for the profession. (4) The law library should be endowed in order that its proper growth may not be stunted or interrupted, as upon two recent occasions, by necessary retrenchment in the university. (5) The law library should be provided with an endowment for the creation of a department of the law of continental Europe. Effort has hitherto been confined exclusively to acquiring a full collection in the field of the English common law and to its extension throughout the British Empire and the United States. Manifestly in the further development of the library attention should be given to the law of continental Europe. In this country large collections in this field are possessed by the law libraries of Harvard University, Northwestern University and by the National Library. (6) *The Cornell Law Quarterly* should be endowed so that those who give so much time and effort to its success may not be burdened by concern over the financial obligations connected with its publication.

The Cornell law school is about to complete the thirty-second year of its history. Its graduates at the end of the thirty-first year numbered 1,521. These graduates together with the large number of other former students who have received instruction in law at Cornell constitute a body of men who have had in the aggregate no small influence upon legal, political and general civic life, particularly in New York state where the great majority of them are carrying on their daily work. The school in the narrower sense consists of the faculty and undergraduates but in its larger and better meaning it comprises, beyond these, all who with solidarity of sentiment for the school have ever received instruction in its classrooms or studied in its library.