

the school committee for final action gave rise to the opinion that, after all, the regulation of these licenses was the province of the school committee which issued them. The school committee had a paid agent, with the title of supervisor of licensed minors, whose duty it was to see that the terms imposed by the school committee were carried out by the boys. The machinery of regulation therefore was partly at hand. After consultation with the chairman of the school committee, the superintendent of schools, the supervisor of licensed minors, and with Judge Baker of the Juvenile Court, the plan now about to go into operation was adopted.

The scheme will provide for a trial board of five—two adults, to be appointed by the Boston School Committee, and expected to give balance and stamina to the board, and three newsboys, to be elected by the licensed minors in the Boston schools. Each school to-day has its elective newsboy captain. All their names are to be submitted, thirty-five or forty in number, to the boys, from which they are to elect the three judges. The schools with the greatest number of newsboys will naturally have the best chance of electing their favorite as judge, but no district can be said to be without a chance, and the entire newsboy population will be represented in the vote. To insure their attendance and attention to the work of the board it is expected that the three boy judges will be paid a nominal sum *per diem*. Mr. Davis, the present supervisor of licensed minors, instead of bringing his complaints to the attention of the Juvenile Court, will be directed by the school committee to bring them before the trial board. Their work will consist in the investigation and hearing of complaints, and they will report their findings to the school committee. As a further sign of the change the board will conduct its hearings on the premises of the Boston Newsboys' Club, 277 Tremont street, the home of the newsboy. This experiment will give the boys an opportunity to work out their own salvation, and may prove a valuable training to them in self-government. It remains to be seen how far the boy judge can persuade another boy to return and remain in the paths of license rectitude. So far, the boys seem to take eagerly to the idea. The experiment does not extend beyond younger boys, under fourteen years of age, licensed by the school committee. If successful, it perhaps can be extended in some modified form to include the older boys now licensed by the city council.

It seems to us that a youngster who distinguishes himself as an excellent judge of the new tribunal will have made a record of greater substantial value in the way of recommending himself to desirable positions in the business world than the honor of being the valedictorian of his class at a university.

METHODS OF INSTRUCTION IN THE LAW SCHOOLS.

THE following article, written by Dean Henry Wade Rogers, was read at a meeting in December of the men in all classes at Yale University who are interested in or expect to study law:

I am asked to state for the benefit of undergraduates of the Academical and Scientific Departments at Yale the methods of law instruction used in the Yale, Harvard, and Columbia Law schools. I take pleasure in complying with the request.

The law schools of the United States have used three methods of instruction. The earliest method employed was that of lectures. In the famous old Litchfield Law School, which was founded in 1782 in this State and was the first law school established in this country, the instruction was by lectures. In those days there were few law books that were suitable to put into the hands of law students. Such books as there were had been written for practicing lawyers and not for those who were beginning the study of law. Instructors had to lecture because of

the lack of suitable books. The lecture system continued to be very generally used for many years, and as late as 1876 it was the sole method of instruction in many of the important law schools of the United States. To-day there are very few schools which use it as an exclusive method, and not many in which any great use is made of it even in connection with other methods. Lectures are used to some extent still in many law schools. Lectures are given in the Yale, Harvard, and Columbia Law Schools. The practice of these three schools is not materially different in this respect. There are few distinctive lecture courses in either of them.

A second method of instruction is that through text books. This method was employed years ago both at Yale, Harvard, and Columbia. It came in time to be known as the "Dwight method," getting the name from Theodore W. Dwight, who was the head of the Columbia Law School for many years. That school was really built up by him, and while it was not nearly as old as either the Yale or Harvard school, dating only from 1858, it became for a time the largest law school in the East. But the so-called "Dwight method" did not originate with Dwight. He was trained in the Yale Law School and adopted the method of instruction used here, and his admirers gave his name to it.

A third method of instruction is known as the "case system." The law is studied through the study of cases which have been decided by courts of last resort. The decisions of the courts and the statements of facts are taken from the official reports and put into the form of case books for the use of students. The case method originated with Professor Langdell, being introduced into the Harvard Law School by him in 1870 when he became the dean of that school. It was at first known as the "Langdell system." It was not received with much favor at first and it made its way slowly. The Harvard Law School was not large when Langdell took hold, and for a number of years afterwards it continued small. But when Harvard University celebrated its two hundred and fiftieth anniversary, the Harvard men united to push the law school into prominence, and the case system was heralded as the ideal method for students of the law. That much can be said in its favor is now undisputed. It has decided merits. A comparatively small number of schools, but good ones, use it as an exclusive method of instruction. A larger number, also good, use it but in combination with either lectures or text books.

When Seth Low became the head of Columbia University he introduced the case system into the law school of that institution about 1892, and it has been employed ever since at Columbia, as at Harvard, and to the exclusion of text books. The reorganization of the Columbia Law School which this involved caused a great loss in the number of its students—a loss which has never since been made up.

The system of instruction now used at Yale cannot be said to be either the case or the text book system. It is a combination of both. It differs in this respect from that used at Harvard and at Columbia. The two latter schools make no use of text books in the classroom work. The Yale law faculty by no means deny the value of the study of cases, and they make a very considerable use of case books. They do not, however, concede that the case system should be employed to the exclusion of text books. Men trained under the Yale system, we believe here, acquire a more extensive knowledge of the law than men can secure by simply studying individual cases. But we concede that the case system has great merit in that it develops the legal mind and teaches the student to reason and to draw him in becoming a philosophical lawyer. For that reason we make use of it at Yale, and a very free use of it; and we claim that a man trained under the combined text book and case system of Yale obtains the benefit derived from both sys-

tems, and that benefit is materially greater than that which he would derive if he studied under a system which uses case books to the exclusion of text books as is done at Harvard and at Columbia.

There were profound lawyers and great legal scholars in England and in America prior to the introduction of the case system in 1870. If all that is said by some of its advocates in favor of the case system as an exclusive system is true, one sometimes wonders how any of the lawyers who studied prior to 1870 ever attained fame and greatness, Coke and Mansfield, Kent and Story and Marshall, never had the benefit of it, and yet managed to become very respectable lawyers. This is not said with a view of disparaging the case system, the merits of which Yale concedes by employing it. It is only said to suggest that possibly it is not an absolutely indispensable system and that there is also merit in studying text books, and that the two methods can be combined as Yale combines them and that the best advantages to the student come from such a combination.

The necessary limits of this communication make it out of the question to state in detail the reasons which led Yale to the conclusion which it has reached on this subject.

Observations Here and There.

"EVEN in the law, the whole generally includes its parts," said Mr. Justice Holmes, in *Western Union Tel. Co. v. Kansas*, 216 U. S. 53.

"There are endless diversities in the opinions of men." *Per* Mr. Justice Wayne, in *Dodge v. Woolsey*, 18 How. (U. S.) 331, 357.

"The language of an opinion is an uncertain guide when divorced from the facts." *Jahn v. Champagne Lumber Co.*, 157 Fed. Rep. 414, *per* Quarles, J.

"Since a physical impossibility cannot exist at all, it cannot be admitted even by demurrer." *Rome R. & L. Co. v. Keel*, 3 Ga. App. 769, 60 S. E. Rep. 468.

"The mere fact that a witness was in the habit of drinking beer does not affect his credibility." *Lockard v. Van Alstyne*, 155 Mich. 507, 518, 120 N. W. Rep. 1, 5, *per* Montgomery, J.

"Every judicial as well as political system has its disadvantages, as well as advantages," *Per* Yeates, J., in *McCausland v. McCausland*, 1 Yeates (Pa.) 372, 378.

"In some cases, marriage likens itself to the veritable mouse trap, which is 'easier to get into than out.'" *Per* Mr. Justice McAdam, in *Keyes v. Keyes*, 6 N. Y. Misc. 355, 26 N. Y. Supp. 910.

"No one wishes to buy anything if with it he must buy a lawsuit." *Per* Mr. Justice Moody, in *Kessler v. Eldred*, 206 U. S. 285, 27 S. Ct. Rep. 611.

"The lawyer who temporarily leaves an established business to take a wedding journey does not cease *ad interim* to be a lawyer." *Per* Weaver, J., in *Niemeyer v. Chicago, etc., R. Co.*, 143 Ia. 129, 133, 121 N. W. Rep. 521, 522.

"Ninety-five reasons are given why a new trial should have been granted the appellant in the court below." *Indianapolis St. R. Co. v. Taylor*, 39 Ind. App. 592, 80 N. E. Rep. 436, *affirming* the judgment of the court below.

"If a joint-keeper in any city thinks the jail there worse than in other cities, the law will permit him to move his business to wherever he can find a jail that is satisfactory." *Per* Mr. Justice Graves, allowed in *Wichita v. Murphy*, 78 Kan. 859, 861.

"A fleshy woman has a right to ride on a train and to have a valise and parcels, and she is entitled to more time for alighting than might be required for a foot-racer or a greyhound." *Per* Mr. Justice Scofield, in *Pierce v. Gray*, 63 Ill. App. 158.

"The latter day system of reporting merely the decisions of the court, without the arguments of counsel, is not a good one. The great value of the old reports is that the arguments of counsel were fully reported." *Per* Meredith, M. R., in *In re Abbeyleix R. D. C.*, and *White*, (1909) 1 Ir. Rep. 217.

Many of our readers will probably feel that some judges less eminent than Lord Chief Justice Alverstone might profitably follow the example set by him in the Guildhall, L. R. Prob. Div., (1908) 29, 34, where he said: "This case has given me a great deal of difficulty; but I think it is important that I should give judgment whilst I have a clear recollection of the arguments and the facts."

"If attorneys have not yet learned of this obvious proposition by its wearisome repetition in so many cases, it would seem to be of no use to state any principle of law in the decisions of the court." *Smith v. Chicago, etc., R. Co.*, 236 Ill. 369, 86 N. E. Rep. 151, *per* Chief Justice Cartwright.

"Experience has shown that the failure to call as a witness in his own behalf a defendant charged with crime, so far from being evidence of neglect or lack of professional skill in counsel, is usually founded upon considerations of prudence which are too obvious to require justification." *Per* Werner, J., in *People v. Bowser*, 196 N. Y. 296, 89 N. E. Rep. 818.

"If I had to give an account of a transaction six years old, and I gave a particular date as certain, I should begin to suspect myself. No doubt if a transaction is alleged to have taken place on a festival, such as Lady Day, Patrick's Day, Christmas Day, Easter Sunday, or Good Friday, it would be different." *Per* O'Brien, L. C. J., in *McCarthy v. Fitzgerald*, (1909) 2 Ir. Rep. K. B. D. 457.

"It is not right that the lives of hundreds of persons should be placed in peril for the convenience of a single foolhardy man, who desires to walk upon the track. In England it is a penal offense to be found unlawfully upon the track of a railroad. It would add materially to the public safety were there a similar law here." *Per* Mr. Justice Paxson, in *Mulherrin v. Delaware, etc., R. Co.*, 81 Pa. St. 366, 375.

In *North Chicago St. R. Co. v. Louis*, 35 Ill. App. 477, 478, Judge Gary carried an hypothesis of contributory negligence back somewhere near the Tristram Shandy's starting point.