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THE AMERICAN LAW INSTITUTE

On February 23rd last, there was created in Washington, D. C., the American Law Institute. Although some attention has been given to this in the daily press, yet detailed account of the movement for the creation of such a body, of the reasons therefor, and of the measures proposed to be taken by it, has been lacking for the most part. As the movement should be of the greatest interest and importance to the bar, it is believed desirable to recount exactly what has been done and what is proposed.

On May 10, 1922, there was formed a Committee on the Establishment of a Permanent Organization for the Improvement of the Law. Of this committee Elihu Root was chairman, while the other members consisted of prominent judges, lawyers and law teachers This committee aftere careful study drew up a report proposing the establishment of an American Law Institute. This report was submitted to a meeting of representative judges, lawyers, law teachers and others. The meeting, composed of about 350 delegates from all over the United States, with remarkable unanimity of opinion, approved the report and at once created the Institute.

Inasmuch as the report was approved and its immediate recommendations at once put into effect and as the meeting was concerned chiefly with approving and creating the Institute, it is thought best here to summarize the report. Since the report is a document of some 109 pages, this summary must perforce be brief.

The report first deals with the general dissatisfaction now felt with the present condition of the law and its administration. To this dissatisfaction are attributed two chief causes, viz., uncertainty and unnecessary complexity. About forty pages are devoted to a study of these two defects and their causes. However, it is not deemed expedient here to enter upon a discussion of these subjects and hence we shall pass at once to the recommendations of the Committee.

The Committee proposes a restatement of the law. The law encyclopedias and the treatises, as a whole, are neither constructive nor critical, but for the most part are intended to be and are limited to a photographic reproduction of the existing state of the decisions. An examination of the causes of the present defects show the need of a restatement that will have a much greater authority than now is accorded to any existing encyclopedia or treatise.

The object of such a restatement should be to help make certain what is now uncertain, to simplify unnecessary complexities and to promote such changes as will tend to adapt the law to the needs of life. Such restatement should be analytical, critical and constructive. There should be more than an exposition of the present law and hence there must be a thorough examination of legal theory. Further the restatement should deal, not only with those situations that have been dealt with by the courts but also with those not yet discussed by the courts or treated by the legislatures. In cases where uncertainty or conflict in the laws of different jurisdictions exists, the restatement should make clear what is believed to be the proper rule of law. Nor should the restatement be confined in such cases to an explanation of rival legal theories, but should suggest such a definite answer to the problem, as would best aid and support the courts. Though the restatement should bear in mind the adaptation of the law to promote what the preponderating thought of the community regards as the needs of life and hence should suggest changes to carry out ends generally accepted as desirable, yet on the other hand changes in the law, which would become matters of general public concern and controversy, should not be discussed. This limitation would exclude such matters as changes in the law pertaining to taxation and other matters of governmental administrative policy as well as advocacy of novel social policy such as old age pension, improvement of the relation of capital and labor, and the protection of the public from industrial controversies by the establishment of arbitration tribunals, and the like. However, when a social or other

policy has become imbedded in the law, the restatement may well deal with an improvement in relation thereto, as for example in the matter of the regulation of rates and services of public utilities. Possible changes in the law in order to better adapt it to the accomplishment of ends generally admitted to be desirable will often affect the procedural law. Such a restatement should be designed to produce agreement upon the fundamental principles of the common law, to give precision to the use of legal terms and to make the law more uniform throughout the country.

With regard to the matter of form, the Committee believes that the restatement should separate by appropriate means the statement of principles of the law from the analysis of the legal problems involved, from the statement of the present condition of the law, and from the reasons for the principles as stated. The mental attitude of those stating the principles should be somewhat that of one endeavoring to express the law in statutory form. Such statement of principles should be much more specific and complete than the general provisions of foreign codes, because if the statement is to be of practical use, the statement should follow that characteristic feature of the common law, which narrows the discretion of the judge far more than do the foreign codes. The discussion of legal theory should be a thorough and scientific analysis of the legal theories underlying the principles and is rendered necessary by the fact that principles cannot be applied without a knowledge of these legal theories. In order that the work may show on its face that it has been done after a careful examination and consideration of the present sources of the law, it must contain an ample citation of the precedents and authorities. Otherwise such a restatement would fail to acquire the confidence of the legal profession, which properly distrusts any statement not based on a careful study of the records of the courts.

The Committee does not look forward to the adoption of the principles set forth in the restatement in the form of a code, and in fact is opposed to such a use, lest there be sacrificed either one or the other of two distinctive features of the common law, viz., its flexibility and fullness of detail. Yet the Committee does make the very interesting and pregnant suggestion that the principles of the restatement might be adopted by state legislatures with the proviso that the principles set forth shall have the effect of principles enunciated by the highest state court, with power in the court to declare exceptions and qualifications. Such a course of action would give an authority to the restatement that it would not otherwise possess and yet would not fetter the court as would a formal legislative code.

But even in the absence of such a statutory adoption as suggested, it is hoped that the restatement will have a profound effect. In states

where the law is uncertain, a court may adopt the solution proposed in the restatement without legislative action. In those jurisdictions where a contrary solution has become a well settled rule of law, the courts may properly feel that they cannot overrule their prior decisions and in such cases legislative action may well be directed to adopting a part of the statement of principles in the form of a statute or to adopting merely certain principles as a guide for the courts. Of course, however, when the change proposed in the restatement is a change in the present statutory law, the mere adoption of the principles by the legislature as a guide for the courts would not warrant the court in disregarding the statute.

In order to accomplish its objects, the restatement must have an authority greater than that of any legal treatise, an authority on par with the decisions. To develop a recognition that it has a high degree of authority, it is necessary that the restatement be the work of the legal profession generally, undertaken by it to promote certainty, simplicity and adaptation to the needs of life. Hence the organization undertaking the work must adequately represent the legal profession as a whole. Inasmuch as a consideration of existing organizations shows the absence of any such body adapted to the adequate prosecution of such a work, the Committee recommends the creation of a new body for the express purpose of making such a restatement. That such an organization might represent the profession as a whole, the Committee submitted the report to a representative gathering. To this gathering were invited all the justices of the United States Supreme Court, the senior federal judge of each of the Federal Circuit Courts of Appeals, the Attorney-General and Solicitor-General of the United States, the Chief Justice of the highest court of each state, the president and ex-presidents of the American Bar Association, and the members of its executive committee and general council, the president of each state bar association, the dean of each school belonging to the Association of American Law Schools, the presidents of the American Institute of Criminal Law and Criminology, of the American Society of International Law, and of the American Judicature Society, the chairman or senior member of the Commissioners on Uniform State Laws in each state, the president of the National Conference of Commissions on Uniform State Laws, and between one and two hundred other persons.

It was proposed that the new organization be known as The American Law Institute, to be composed of two bodies. The members of the gathering, to which the report was submitted, should constitute the members of the Institute and should elect twenty-one of their number to serve as a council. The council should have full power of management, except that any legal work should be submitted to a

meeting of members or to the members individually for their criticism and expression of opinion before being published as the official publication of the Institute.

Although the methods of carrying on the work must necessarily be matters for the Council to decide, various suggestions were made by the Committee. In the first place it must be recognized that the work can never be completed but in the nature of things must be continuous inasmuch as the conditions of life are never static. Since the need of restatement is greater in certain fields than in others, the Committee suggests that torts, business corporations, and conflict of laws be the topics first treated, as being subjects most in need of restatement. The experience of the National Conference of Commissioners on Uniform State Laws in drafting the uniform statutes shows that in such a work as is proposed three definite stages are necessary. These are (1) the appointment of some one person to be made primarily liable for the production of a definite draft; (2) the submission of this draft to a group of experts on the subject, the experts to have authority to make any changes; (3) the submission by the experts of a statement of the law satisfactory to them to a larger body composed of judges, lawyers and law teachers, who taken as a whole represent wide and varied experience. Hence for each topic to be treated, it is thought necessary for the Council to appoint a committee of experts of from five to ten members, and to appoint a reporter and possibly assistant reporters. The reporter, under the direction of the committee, should assemble the authorities and complete a tentative draft of the restatement, such draft to be submitted to and amended by the committee until the committee is satisfied with the work and ready to report it to the Council. Both the tentative and final drafts should be submitted to the members individually and the final draft to a meeting of the members for criticism and expression of opinion. In order to have a permanent executive force to see that the work is being prosecuted properly, it will be necessary to appoint a director, who should be expected to formulate plans for the consideration of the council. As the work progressed, there would probably be developed a bureau of research to supply trained assistants in the collection and arrangement of the authorities and in the preparation of special reports on specific questions. In some topics it may be necessary to have surveys made of the practical operation of existing rules of law, since the objects of the restatement include the suggestions of improvements to better adapt the law to existing needs.

Although because of lack of experience it is impossible to forecast the time necessary to complete the restatement on any given topic, it is thought that two years will perhaps be enough to complete some portion of each topic, and that five years will be sufficient

to demonstrate the permanent value of the work. The Committee even considered the probable cost of the work and has concluded that, if the methods it suggests are followed, it will cost about $77,000 a year on the basis of working on three topics at one time, although the cost will probably increase as a permanent force of men, giving all their time to the work, is developed.

The foregoing is a necessarily brief summary of the report of the Committee. Inasmuch as the gathering in Washington confined itself to approving the report and creating the Institute, it is of course impossible to prophesy whether the methods suggested will be followed. It is, however, of tremendous importance that this gathering was impressed with the necessity and feasibility of such a work. As the Committee emphasized, the value of the restatement will depend upon the care and skill employed. Whether the restatement can be done in such a way as to command the authority desired is perhaps an open question to some minds. All must admit, however, that the attempt is an ambitious one and well worth the experiment. No one can deny that our law is in need of much improvement. With the Institute an accomplished fact, it becomes the duty of each lawyer to do all in his power to make this movement a success in order to discharge his obligation to the community.[1]

University of Missouri, School of Law.

STEPHEN I. LANGMAID.

(1) The following members of the Missouri Bar attended the meeting and became charter members of the Institute.

P. Taylor Bryan, St. Louis.
Forrest C. Donnell, St. Louis.
Daniel M. Kirby, St. Louis.
J. P. McBaine, Columbia.
W. H. H. Piatt, Kansas City.
Willard L. Sturdevant, St. Louis.
Guy A. Thompson, St. Louis.
Edward J. White, St. Louis.
Fred L. Williams, St. Louis.
Tyrrell Williams, St. Louis.

ESTATE BY THE ENTIRETY IN MISSOURI

Estate by the entirety is recognized by two Missouri statutes: R. S. Mo., 1919, sec. 2175: " * * * Where the property conveyed is owned by the husband and wife as an estate by the entirety, then both shall be bound by the covenants therein expressed or implied."[1]

R. S. Mo., 1919, sec. 2273: "Every interest in real estate granted or devised to two or more persons, other than executors and trustees and husband and wife, shall be a tenancy in common, unless expressly declared, in such grant or devise, to be in joint tenancy."[2]

As to what is an estate by the entirety we must look to the common law. Blackstone, Book 2, p. 182: "And therefore, if an estate in fee be given to a man and his wife, they are neither properly joint-tenants, nor tenants in common: for husband and wife being considered one person in law they cannot take the estate by moities, but both are seized of the entirety, *per tout et non per my* (by all, and not by half), the consequence of which is, that neither the husband nor the wife can dispose of any part without the assent of the other, but the whole must remain to the survivor."

Tiffany, sec. 194, 2nd edition, says: "It is essentially a joint tenancy, modified by the common law theory that husband and wife are one person * * * that the most important incident of tenancy by entirety is that the survivor of the marriage, whether the husband or the wife, is entitled to the whole, which right cannot be defeated by a conveyance by the other to a stranger, as in the case of a joint tenancy, nor by a sale under execution against such other."[3]

Warvelle on Real Property, sec. 111: "It differs from joint tenancy in that joint tenants take by moities and at the same time are each seized of an undivided part of the whole. In the estate by the entirety neither tenant is seized of a part, or moiety, but both of them have the entire estate, and as this involves in itself a physical impossibility in the case of ordinary individuals it necessarily follows that effect can only be given to the grant by regarding *both tenants as constituting but one person. But this in effect is just what the law does, and as this unity of person is never*

1. Act 1905, p. 94.

2. Gen. Stat. 1865, p. 443, sec. 12, applied in *Hall v. Stephens,* 65 Mo. 670, 677. See also: R. S. Mo., 1919, section 2878; R. S. Mo., 1899, section 4600; R. S. Mo., 1889, section 8844; R. S. Mo., 1879, section 3949.

3. Joint tenants are said to "have one and the same interest, accruing by one and the same conveyance, commencing at one and the same time, and held by one and the same undivided possession," Blackstone Book 2, p. 180, and that the distinguishing characteristic of estates by joint tenancy is, that upon the death of one the right in the estate survives to the other to the exclusion of the heirs of the deceased joint tenant. The theory of joint tenancy is that the unity in two or more persons should not be severed.

recognized save in the case of husband and wife, the estate by entirety is confined exclusively to persons within the marriage relation * * * upon the death of either the whole estate would remain to the survivor" and "this estate differs materially from joint tenancy for the survivor succeeds to the whole not by right of survivorship simply, as in the case of joint tenants, but by virtue of the grant which vested the entire estate in each grantee or in contemplation of law, in one person with a dual body and consciousness."[4]

Estate by the entirety as defined by the three preceding quotations was substantially adopted by the Supreme Court of Missouri in *Garner v. Jones,* 52 Mo. 68, 71: "At common law a conveyance in fee to husband and wife, of real estate, created a tenancy by the entirety. Being but one person in law, they took the estate as one person. Each being the owner of the entire estate, neither of whom had any separate or joint interest but a unity or entirety of the whole, so if either died the estate continued in the survivor, as it had existed before, an undivided unity or entirety. There was no survivorship as in joint tenancies, but a continuance of the estate in the survivor as it originally stood. *The only change by death was in the person, not in the estate.* Before the death they both constitute one person, holding the entire estate, and after the death of either the survivor remained as the only holder of the estate. This principle was introduced into this State as a part of the common law and it has not been altered by our statute of conveyances."[4]

The first case in the Supreme Court of Missouri on what constitutes an estate by entirety was in 1849, *Gibson v. Zimmerman,* 12 Mo. 385, where there was deed to husband and wife and the court held that an estate by the entirety was created, not a joint tenancy or a tenancy in common, and each having the whole and each unable during the life time of the other to affect the estate to the prejudice of the other. Generally, an estate by the entirety is created by deed or will to husband and wife.[5] In fact such an estate is presumed to be created when the deed is made to husband and wife.[6] A deed to husband and wife, using their names and omitting "hus-

4. *Hall v. Stephens,* 65 Mo. 670; *Edmondson v. Moberly,* 98 Mo. 522, 11 S. W. 990; *Bains v. Bullock,* 129 Mo. 117, 31 S. W. 342; *Jones v. Elkins,* 143 Mo. 647, 45 S. W. 261; *Holmes v. Kansas City,* 209 Mo. l. c. 523, 108 S. W. 9, 123 A. S. R. 495; *Moss v. Andrey,* 260 Mo. 595, 169 S. W. l. c. 8; *Otto F. Stifel's Union Brewing Co. v. Saxy,* 273 Mo. 159, 201 S. W. 67; *Ashbaugh v. Ashbaugh,* 273 Mo. 363, 201 S. W. 72; *L. R. Goldberg Plumbing Supply Co. v. Taylor,* 237 S. W. 900. See also *Wimbush v. Danford* (1922) 238 S. W. 460.

5. *Holmes v. Kansas City,* 209 Mo. 513, 108 S. W. 9; *Sawyer v. French,* 235 S. W. 126; *Bender v. Bender,* 281 Mo. 473, 220 S. W. 929; *Elliott v. Roll,* 226 S. W. 590; *Todd v. Fitzpatrick,* 222 S. W. 888.

6. *Moss v. Ardrey,* 260 Mo. 595, 169 S. W. 6; Tiffany, sec. 194, says that an estate by entirety is created where there is a will or conveyance to husband and wife, which does not require them to hold by another character of tenancy.

band and wife," is sufficient to create an estate by the entirety,[7] even though there was an apparent intention to create a tenancy in common by use of the words, "share and share alike," after the names of the grantees, but said words did not appear in the granting and habendum clauses. The fact that the grantees were not mentioned as husband and wife shows that it is the marriage relation that creates the estate by entirety.

In *Hall v. Stephens,* 5 Mo. 670, there was a devise of real estate to Hiram Stephens and family. It was shown by evidence that there were a wife and six children in the family, and court held that an estate by entirety was created in husband and wife for a one-seventh interest and that they held the one-seventh interest as tenants in common with the six children, on the theory that husband and wife are one.[8]

But a partition deed to husband and wife of her individual allotment in a tract of land did not create an estate by the entirety, so as to give the surviving husband the land because partition whether by order of the court or by deeds among heirs merely adjusts the right of possession and no new or additional estate is created.[9]

Before divorce there cannot be partition of land held by tenants in the entirety because of the nature of the estate, that they hold title as one person in theory, but after divorce the estate may be partitioned because divorce has severed marriage relation. Husband and wife who once held by entirety now hold the land as tenants in common.[10] In divorce the parties thereto are not restored in all respects to their former condition. The divorce is not treated as a nullity, but the law takes the parties where it finds them and makes them tenants in common, giving to each a one-half interest, unless the wife establishes a resulting trust in the moiety of the husband.[11]

In *Hume v. Hopkins,* 140 Mo. 65, 41 S. W. 784, husband and wife owned land as tenants by the entirety, and the husband mortgaged the land but the wife did not join in the note and mortgage. Trustee after the decease of the wife sold the land under power of sale in the mortgage, and

7. *Wilhite v. Wilhite,* 284 Mo. 387, 224 S. W. 448. See, *Wilson v. Frost,* 186 Mo. 311, 85 S. W. 375.

8. Litt. sec. 291; Tideman, sec. 182; *Barber v. Harris,* 15 Wend. 616.

9. *Jelly v. Lamar,* 242 Mo. 44, 145 S. W. 799; *Whitsett v. Wamack,* 159 Mo. 14, 59 S. W. 961; *Palmer v. Alexander,* 162 Mo. 127, 62 S. W. 691; *Starr v. Bartz,* 219 Mo. 47, 117 S. W. 1125; *Cross v. Hoffman,* 280 Mo. 640, 217 S. W. 520; *Harrison v. McReynolds,* 183 Mo. 533, 82 S. W. 120.

10. *Joerger v. Joerger,* 193 Mo. 133, 91 S. W. 918; *Russell v. Russell,* 122 Mo. 235, 26 S. W. 677, 43 Am. St. Rep. 581; *Aeby v. Aeby,* 192 S. W. 97; *Otto F. Stifel's Union Brewing Co. v. Saxy,* 273 Mo. 159, 201 S. W. 67; *Bains v. Bullock,* 129 Mo. 117, 31 S. W. 342.

11. *State ex rel. v. Ellison,* 233 S. W. 1065; also Bishop on Marriage and Divorce, sec. 1623; *Holmes v. Kansas City,* 209 Mo. l. c. 527, 108 S. W. l. c. 13, 123 Am. St. Rep. 495; 21 Cyc. 1201.

the court held that the purchaser took title by inurement, under the statutory covenants of grant, bargain, sell and convey. That decision is justified only on the ground of inurement in my opinion.

On the question as to who is entitled to bring suit for trespass on the land, the same must be determined in relation to the Married Woman's Act of 1889, R. S. Mo. 1919, sections 7323 to 7328. In the event the land was acquired by husband and wife prior to the Act of 1889, the right to institute suit for trespass is in the husband for at common law he was entitled to possession and control during their joint lives.[12] In the case of *Bains v. Bullock*, 129 Mo. 117, 31 S. W. 342 where husband and wife held land acquired after 1889 as tenants by entirety, the wife instituted suit against defendant who took possession without right, and the husband did not join as plaintiff. The court held that she could sue alone for she was entitled to possession of the land against all the world except her husband; that each was the owner of the whole. The following words appear in the case: "The statute of 1889 abolishes the legal entity of husband and wife, which gave rise to estate by entirety, but the estate has not been abolished." That statement destroys estate by the entirety if followed as the law. It would seem that the court qualified the uncalled for phrase by using the words: "The marital control of the husband over the real estate of his wife is removed; that she is given the power to sue at law or in equity with or without her husband being joined with her. The right to sue in her own name seems to be unlimited." In *Stifel's Brewing* case, *supra,* Commissioner Roy said with reference to the unnecessary statement that the act of 1889 abolishes estates by entirety, "that such statement would not have been made had all of the authorities been before the court," as they were in the *Stifel Brewing* case, and that "The Married Women's Acts were not intended to destroy or weaken that unity of husband and wife, which treats them as equals, but that they do destroy that unity of the two which considers the wife as merged in the husband," citing *Diver v. Diver,* 56 Pa. 106.[14] It is difficult to see how the contention can be made that under the act of 1889 the wife has any estate or interest, separate and apart from her husband in estate by entirety. That contention is well answered by Judge Valliant in *Frost v. Frost,* 200 Mo. 474, 483, 98 S. W. 527, 528; "It is sufficient to say, that the title in such an estate is as it was at common law; *neither husband nor wife has any interest in the property, to the exclusion of the other; each owns the whole while both*

12. *Cockrell v. Bane,* 94 Mo. 444, 7 S. W. 480; *Boyd v. Haseltine,* 110 Mo. 203, 19 S. W. 822; *Frank Hart Realty Co. v. Ryan,* 232 S. W. 126.

13. *Hough v. Jasper County Light & Fuel Co.,* 127 App. 570, 106 S. W. 547; *Peck v. Lockridge,* 97 Mo. 549, 11 S. W. 246; *Gray v. Dryden,* 79 Mo. 106; *Cooper v. Ord,* 60 Mo. 420.

14. *Kunz v. Kurtz,* 8 Del. Ch. 404, 68 Atl. 450; *Patton v. Rankin,* 68 Ind. 245; *Baker v. Stewart,* 40 Kan. 442, 19 Pac. 904, 2 L. R. A. 434; *Masterman v. Masterman,* 129 Md. 167, 98 Atl. 537.

live and at the death of either the other continues to own the whole, freed from the claim of any one under or through the deceased." In the *Stifel's Brewing* case, *supra,* the question was whether an execution against the husband alone can reach any interest of any kind in the property of husband and wife as tenants by the entirety, and the court adopted the reasoning set forth above, and said that if a judgment against the husband is a lien on the property and enforceable against his property after her death, the effect would be to defeat the estate by entirety and deprive the sale thereof.[15]

The sole question in *I. R. Goldberg Plumbing Supply Co. v. Taylor, et ux,* 237 S. W. 900, was whether or not the interest of the husband in land held by him and his wife, as tenants by the entirety, could be subject to a mechanic's lien. The heating plant was furnished on contract with husband and against the will and under the protest of the wife. The court following the *Stifel Brewing* case held that neither has any interest that can be subjected to a lien without the consent of the other. In arriving at this decision our Supreme Court refused to follow certain cases decided in the Kansas City Court of Appeals which were based on *Hall v. Stephens, supra,* and which held that the husband's interest in the estate by entirety could be subjected to a mechanic's lien.

The case of *Ashbaugh v. Ashbaugh,* 273 Mo. 353, 201 S. W. 72, following the well established principles of common law as construed by the Missouri Supreme Court holds that one tenant by the entirety cannot will his interest in lands so held, and that after his death his creditors cannot subject his said interest once held by him to the payment of his debts. When death comes to one of the tenants by an entirety, title to the land immediately passes to the other tenant free from debts, liens, contracts, or deeds, except such instruments as may be properly joined in by both husband and wife during the life time of each. It necessarily follows that there is no probate of the estate of the first tenant at his death so far as the land is concerned.

J. B. STEINER.[17]

LEGAL EDUCATION—It is a reproach to our profession, it seems to me, that in this modern day when education is within the reach of every man—I care not how poor he is—that we should have upon our statute books as the sole educational requirement to practice law that the applicant

15. *Jordan v. Reynolds,* 105 Md. 288, 66 Atl. 37, 9 L. R. A. n. s. 1026, 121 A. S. R. 578, 12 Ann. Cas. 51.

16. *Independence Sash, Door & Lumber Co. v. Bradfield,* 153 Mo. App. 527, 134 S. W. 118; *Nold v. Ozenberger,* 152 Mo. App. 439, 133 S. W. 349; *Brocket Cement Co. v. Logan,* 187 Mo. App. 322, 173 S. W. 727.

17. LL.B., University of Missouri. Now with the Federal Farm Loan Bank, St. Louis, Missouri.—Ed.

have merely the equivalent of a common or grammar school education.—Guy A. Thompson, before Mo. Bar Assoc., St. Louis, December, 1922.

TRAINING FOR THE BAR.—The statement sometimes heard that a requirement of two years of college preparation and three years of law school study would close the legal profession to all self-supporting students is refuted by the fact that 67, or 30 per cent, of the 222 law students report that they are wholly self-supporting, 86, or 39 per cent, report that they are partially self-supporting, and only 68, or 31 per cent, report that they are not self-supporting. Self-support is secured chiefly by labor before entering school or during vacation periods. Employment while school is in session is necessarily limited to such work as may be carried at hours which are not customarily used by any student in carrying on his law studies. For example, many students provide for a considerable portion of their expenses by working for their room and board. Many students are going through in part on borrowed money.

(Reference is to the University of Iowa, College of Law, which has a two year preliminary requirement.) 8 Iowa Law Bulletin, p. 49.

IS LAW A PROFESSION.—Much success attended the effort for higher standards in medical schools. Now an effort as intelligent and energetic must be devoted to higher standards in the law schools. Candidates for other learned professions, even for some not so learned, must have at least a high school education. Almost any one who can escape the reproach of actual illiteracy is eligible to entrance in a school of law. If 90 per cent of the difficulties in obtaining justice can be removed by the passage of one bill, or 50 per cent or 30 per cent or 20 per cent, why should narrow and selfish objections to that bill be given any consideration by the legislators?—St. Louis Globe-Democrat, Feb. 14, 1923.

A DRIVE ON SNITCHES.—The snitch lawyer is one of the mischievous developments in the legal profession. It is his aim in life to stir up litigation for the sake of his own pocketbook. He specializes in promoting personal injury claims that have no merit, on the chance that he may get a rake-off. It follows that he is always prepared to back up his cases with framed evidence.

The snitch is to the legal profession what the quack doctor is to the profession of medicine. Both prey off the community.

The campaign against snitches started by the state bar association of Missouri, and local bar associations, has a fine opportunity for service. Now that the state supreme court has agreed to take jurisdiction in charges of unprofessional conduct against lawyers, the bar associations can get results—provided always that they refuse to permit prosperous snitch firms with influence to put on the soft pedal.—Kansas City Star, January 3, 1922.

USEFULNESS OF BAR ASSOCIATIONS.—The Bar Association of St. Louis has had an excellent president in Guy A. Thompson. Not only under his leadership has it endorsed the American Bar Association standard for legal education but he has been foremost in attempting to get an acceptance of the standard in this state.

Furthermore, the association which he leads engaged the following courses of lectures on administrative law:

First Lecture—Historical Survey.—Dr. Ernst Freund, Professor of Jurisprudence and Public Law, University of Chicago; Editor of "Cases on Administrative Law;" Author of "The Police Power."

Second Lecture—Interstate Commerce Commission.—Honorable Robert V. Fletcher, General Solicitor Illinois Central Railway Company; Former Justice Supreme Court of Mississippi.

Third Lecture—Federal Trade Commission.—Hon. Joseph E. Davies, of the Washington, D. C., Bar; Former Chairman Federal Trade Commission.

Fourth Lecture—Constitutional Aspects of Administrative Law.—Hon. Cuthbert W. Pound, Judge New York Court of Appeals; Former Professor of Law, Cornell University; Trustee Cornell University.

Fifth Lecture—State Public Service Commissions.—Hon. John A. Kurtz, Chairman Public Service Commission, State of Missouri.

Sixth Lecture—Federal Departmental Practice.—Hon. Charles Nagel, of the St. Louis Bar; Former Secretary of Commerce and Labor; Director Washington University.

ADMISSION TO THE BAR—EDUCATIONAL REQUIREMENTS.—The quotation following is a literal transcript from the stenographer's record of the cross-examination of a colored witness by a Greek attorney in a court of record in Michigan. It is published here, not because it is amusing, but because it is serious:

"Q. You said a little while ago to the jury that your attention has been attracted to the Pudrith car with the slowness of the amount of speed it has passed you?

"A. That is so.

"Q. The fact is, the truth is, you think, you imagine, you don't know for sure; you can't wander off; you can't swear that you are telling true to this jury, as to the amount of speed that was the taxicab using, did you?

"A. No, I couldn't swear to that.

"Q. How many feet, can you answer to the court and jury; how many feet can he take with a speed of four to five miles an hour at the space of time when he was attracted to your attention from the corner where he left to the point where the accident happened?

"A. Well, sir, that is something I couldn't answer.

"Q. Can you answer this question, when your further opinion that you rendered before to the court and jury is not correct, is it either then?

"A. What isn't correct? Everything I said is correct.

"Q. Well, now, then, if you are so sure about it, that you can so faithfully state to the court and jury, why don't you say, if you know, what is the distance that a car can take in that time, between four and five miles an hour, from that corner to the middle of the street where was the accident happened?

"A. Which?

"Q. Which you stated before, about the mileage respecting which Mr. Pudrith used? Do you understand me what I say?

"A. I understand that you mean like this here: For me to tell you how many feet that he would have to go where he was going, at the rate of speed that I said he was going, until he got to the place where he was at."—21 Michigan Law Review 448.

PROPOSED ILLINOIS CONSTITUTION REJECTED

The tremendous majority against the constitution proves one thing—that it is impossible in such a state as Illinois to secure adoption of a constitution submitted to a single vote. Such a unit submission results in uniting all dissatisfied persons. It further enables every opponent to assign a false reason for his opposition, so that special interests can masquerade under patriotism, or what not. No form of politics makes stranger bedfellows than the unit vote on a constitution in a state as populous and diverse as Illinois.

The convention hung together for nearly three years and so worked out necessary compromises. But the electorate gleefully rejected the compromises, each side expecting to get a second chance and a larger share. The more irritating subjects should have been exposed to separate votes, but the delegates believed that the electorate would swallow some unpalatable features along with the rest. This was an estimate not tenable since the failure of New York's constitution in 1915.

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In every large and diversified state there should be a separate submission of questions which arouse feeling. There should be also as a preparation for voting an understanding of the defects of the existing constitution. In Illinois both of these principles were ignored. The people do not realize that the old constitution is a daily curse in hundreds of ways. They have been fed up with stories of how mighty they are and 'booster' talk but have not been taught the simplest facts concerning their own state. In consequence of this many evils must be endured indefinitely which would have been exorcised by the proposed constitution.—Journal, Am. Jud. Soc., vol. VI, p. 158.

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