

# THE NEBRASKAN

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## Law Notes.

The Laboratory method of study has for some time been supplanting all others in almost every direction. Not merely in sciences, but in history, philology, and even in literature, methods of instruction by which the student sees and investigates for himself, instead of studying the results obtained by others, are now in vogue. Formerly the student in botany read about the investigations of others, heard a lecture and looked at a few of the results of his instructor's work. Now he is put into the laboratory to do his own investigating and to make his own observations. So the student of history is now sent to the original sources of information, there to draw his own conclusions, instead of reading what some one else has drawn from them.

Professor C. C. Langdell, of Harvard Law School, was the first to apply the method to the study of law. The system he introduced at Harvard, which is commonly known as the "case system," has been the subject of a great deal of criticism by those who do not understand it, but it has spread from one place to another in spite of criticism and it has not only greatly modified other systems till they have come to differ from it chiefly in name, but it has even entrenched itself in the stronghold of its rival.

Professor Langdell's method is not a stereotyped one. Just as each teacher of science has his own methods in his laboratory, so each instructor at Harvard has his individual way of handling his class. But all proceed on the general plan of putting the student to work upon the leading cases on each topic, and setting him to draw the principle from the cases with the assistance of lectures and explanations and discussion in the recitation room. Text books are not used. Often during the recitation the instructor refers to one or more passages in the text books bearing on the point in question. But there is no formal study of any text book. Text books are freely used by the students, but not as a rule till after the cases have been discussed in the lecture room. In this way the books produce a

much better and more lasting impression, as I can testify from experience.

The student quickly learns at Harvard how to use cases; how to criticise them and how to judge them. He learns the value and uses of text books. The class at Harvard law school is a true seminar. The instructor and class join in a free informal discussion of the cases and the points of law involved. Sometimes the instructor sums up the results of the discussion in a short oral lecture. At other times he cites the class to some book or case where the principles are further examined. The work of the student is almost exactly what he is compelled to do when he comes to the bar. No one at the bar thinks of citing a text book to a court, (with rare exceptions) or of relying on the statements of a text book. The best of text books are used by the practicing lawyer only to show him where to find the cases and to help him understand them. It seems strange indeed that men who would not think of using a text book in their daily practice, should direct students to put their whole trust in them.

The aim of the Harvard method is not only to teach the principles of the law, but to teach the student to think and reason in the legal way and to prepare him for the kind of work that he must constantly do at the bar. To the objection usually made to the system, namely, that it produces mere "case-lawyers," it would be enough to point to the actual results. But the principle must be derived ultimately from the cases. The question is, shall the student merely read what some one has said about the cases, or shall he study the cases themselves? Lord Coase answered this long ago: "*melius est petere fontes quam sectari aulos.*"

Professor Langdell's method is now in use at Columbia where the Dwight method originated. It is in use to some extent in England and has produced there a volume of cases on contract by a Cambridge teacher of the law. Even so zealous an adherent of the Dwight method as Professor Chase, formerly of Columbia, has brought out a volume of cases.

To speak of all the objections

which are commonly made to this method of teaching law would take no little space. The time for defending it has passed. The laboratory method has justified itself in every department in which it has been tried—not least in the law.

ROSCOE POUND.

## In Memoriam.

Brady Gilbert Mosher, '96, died of typhoid fever on Sunday night, Nov. 19th, at the residence of Mr. Chappell, 1805 R street. He suffered patiently for over six weeks and died, as he had lived, steadfast in the Christian hope. His father, mother, and other relatives watched at his bedside during his closing hours. This was his fourth year in attendance at the University. Besides having held positions of trust in his class, he was a prominent member of the Union Literary society, a leader in Athletics, and an active member in the Y. M. C. A.

The remains were taken to his home near Geneva where, on Tuesday afternoon, they were interred with the most touching ceremonies.

Mosher was well known at the University and loved by all who knew him. He leaves a host of warm friends to mourn his untimely death.

Resolutions of condolence were passed by the various organizations of which the deceased was a member.

## Local.

Joe Mallalieu visited in Kearney over Sunday.

Miss Ora Howard spent last Sunday at her home in Edgar, Neb.

B. C. Coken, '95, came over from Fremont to attend the football game.

Try the Commercial Barber shop in its new room, 122 North Eleventh street.

George Risser was initiated into the Sigma Chi fraternity last Friday night.

Miss Joy Webster was out of school a few days last week on account of illness.

Miss Anne Wilder entertains at the home of Prof. Bessey Wednesday evening.

The Union musical will be held in Union hall on Friday evening, December 15.

Mr. B. W. Wilson has been compelled to miss recitations for a few days past owing to illness.

Miss Lottie Whedon will entertain her friends with a dancing party next Friday evening.

Dr. White, the instructor in chemistry, who takes Dr. Frankforter's place, comes from Johns Hopkins.

The Delta Gammas initiated Miss Mable Ricketts last Friday evening at the home of Miss Cochrane.

Best place to buy Holiday Goods is at Herpolsheimer & Co.'s, who retail these goods at wholesale prices.

For Lowest Prices on Dress Goods, Cloaks, Shoes, Millinery, try Herpolsheimer & Co., they save you money on all your purchases.

The following officers have resigned from the battalion: First Lieutenants Sawyer, Johnson and Babcock, and Sergeant Hoagland.

Classes occupy the chapel every afternoon after 3 p. m. We must have more lecture rooms. We are too full for utterance.

The monotony of recitation in the Geology class is frequently varied by a lecture by Prof. Barbour, illustrated with stereoptican views.

"Drummers' Samples" of cashmere, wool or silk mittens, Fascinators, ice wool shawls at wholesale prices at the Racket, 1016 P street.

Manager Weaver is desirous of getting the names of all who are going to Omaha Thanksgiving. The University ought to send up 400.

The second year German class has taken up "Herman and Dorothea," and are studying it not only as a drill in German, but as a masterpiece in literature.

Mucilage, 4c a bottle, 3 for 10c, note paper, 6 sheets for 1c, box paper, 4c. Ink, 4c bottle, ink tablets, 4c, 3 for 10c, at the Racket, 1016 P street.

Phi Delta Theta entertained at their hall last Saturday night. About forty were present. The evening was spent in dancing and other amusements. Jest and youthful jollity made the hour for going home come all too soon.