SUPREME COURT OF NEW JERSEY.

November Term, 1901.

REPORT OF THE COMMITTEE

ON

BAR EXAMINATIONS

AND

ADMISSION TO THE BAR.

Dated November 6th, 1901.

CHAUNCY H. BEASLEY, DAVID J. PANCOAST,
EDWARD Q. KEASBEY, CHARLES H. HARTSHORNE,
Committee.

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REPORT.

To the Honorable the Chief Justice and Associate Justices of the Supreme Court of New Jersey:

The committee appointed by order of this court,[1] dated March 12th, 1901, to consider the subject of the admission of attorneys to practice, and to report thereon with information as to the law and practice of other States on this subject, respectfully submits the following report:

Prior to the year 1890 there appears to have been nowhere in the United States, except in New Hampshire and Wisconsin, a State system of bar examinations sufficient to insure more than a very meagre professional education, and there appears to have been no method whatever for ascertaining that the candidate had even such degree of general education as the public schools of the country afford. Although most of the States, either by statute or by rules of court, required the candidate to submit to an examination in law, none of them gave such organization or permanency to the board of examiners as is necessary in order to attain system, thoroughness and uniformity in examinations.

Generally the examiners were appointed for the term only; sometimes from the members of the bar who chanced to be present in court, and in no case that we have found were the examiners appointed for a longer term than one year. They served without pay and without adequate preparation. In some States there were no examinations, unless specially ordered by the court. In some, the local courts appointed examiners and admitted candidates to the bar, whose license to practice in the court to which they were admitted carried with it the right to practice in all other courts. In other States the license to practice in a local court carried no privilege to practice in other courts without special leave or another license.

[1] The order of the court appointing the committee was made upon a written memorial, which was presented to the court in the February Term, 1901, by the bar examiners of that term, and which was seconded in open court by the bar associations of Camden and Hudson counties and the Committee on Legal Education of the State Bar Association.

In Appendix I, attached to this report, Table B gives the names of those States in which the old methods of bar examinations still obtain. In the older States of this list these methods have probably not changed much since they were adopted in colonial times or in the early years of the last century.

These methods, answering sufficiently no doubt for the conditions of the times when they were adopted, became totally inadequate, in many places, for the conditions of recent years, and particularly in centers of dense population. The standard of admission to the bar fell below the demand of the public and of the profession. and in some places, certainly, the character of the bar suffered in consequence. Moreover, the old methods did not keep pace with the progress of education. The demand and the opportunities for higher education have reacted upon each other and have resulted in the last twenty-five years in a very marked advance in the training afforded in technical and professional schools, as well as in the public schools and the universities.[2]

It is hardly necessary to point out that the public, as well as the profession, has a direct interest in excluding from the bar ignorant and incompetent persons. The demand for measures to raise the character of the bar by raising the standard of admission to it may be found, for some years past, in the daily press as well as in the law publications and the reports of the bar associations.

Ten years ago (1891) the American Bar Association, through its committee on legal education, took up this subject. In 1893 the Section of Legal Education was organized, and since then the association, through these two organs, has kept up a continuous study and discussion upon legal education, which has, without doubt, contributed a powerful impulse to the advance of public and professional opinion in this direction.

In 1900, under the auspices of that association, the members of

[2] An indication of the progress in professional education may be found in the development of the law schools. From 1878 to 1890 the increase in the number of students was from 3,012 to 3,517, or seventeen per cent. in twelve years; from 1890 to 1895 the increase was from 3,517 to 9,607, or 175 per cent. in five years. In 1875 there were forty-three law schools in the United States; in 1899 there were eighty-six, having 11,883 students. In 1875 the course of study in nearly one-fourth of them was for one year, and in nearly three-fourths two years. Only one school in the country had then a three-year course. In 1899 more than one-half had a three-year course, and in only five was the course less than two years. "Bulletin No. 5, October, 1899, 'Professional Education,'" issued by the University of the State of New York. Report Am. Bar Asso. 1897, p. 361. See also paper by H. B. Hutchins on the "Law School." Id., 1900, p. 490.

State Boards of Bar Examiners of a number of States organized an "Annual Conference," with permanent officers, for the purpose of exchanging views and official experience respecting the work of those boards. The conference is to be held yearly at the meetings of the American Bar Association, and when organized it consisted almost exclusively of members from those States which had recently reorganized their system of bar examinations.[3]

Within the last eleven years fifteen States have, by statutes or rules of court, remodeled their systems of bar examinations with the purpose of making them more effective tests of qualification.[4] A very comprehensive collection, in abstract form, of these regulations, and also of those in use in all other States, was published by the University of the State of New York in 1899, under the title "Bulletin No. 7, December, 1899; Professional Education in the United States." A copy of it is in the State library in Trenton. Chiefly from this collection, but with the aid also of statements of bar examiners from different States made at meetings of the American Bar Association and published in its reports, we have compiled Tables A and B, in Appendix I.[5]

For convenience of description this report will refer to systems of bar examinations adopted within the last eleven years and tabulated in Table A as "new systems," as distinguished from the methods in use in other States, tabulated in Table B, and which will be referred to as "old systems."

The distinguishing feature of the new system is a single State Board of Law Examiners, appointed by the highest State court (except in three States),[6] holding by such tenure and so organized as to enable the board to give system and thoroughness to the examinations. A minimum standard of general education is also a very important feature of the new system in a number of States.

[3] See report of the conference. Report Am. Bar Asso. 1900, p. 576.

[4] The States which have adopted new systems of examination are New Hampshire, Wisconsin, Connecticut, Minnesota, New York, Michigan, Colorado, Illinois, Louisiana, Massachusetts, Ohio, West Virginia, Georgia, Maryland, Vermont, Maine and Wyoming. The names are in the order of the dates at which the new system was adopted.

[5] The Bulletin may be ordered from the Secretary of the University of the State of New York, Albany. The remarks of the bar examiners may be found in the reports of Am. Bar Asso. 1898, p. 503 et seq; 1899, p. 518 et seq; 1900, p. 576 et seq.

[6] In Connecticut the board is appointed by the Superior Court; in Michigan by the governor, on recommendation of the Supreme Court; in West Virginia the State law examinations for admission to the bar are conducted by the Law Faculty of the State University.

The different regulations of both the old and new systems may best be considered in the order in which they are placed in Tables A and B, reference being made to those tables and to the other appendices for details that do not appear in the text of this report.

1. Evidence of Character.[7] This, the most important subject of all, is unfortunately that which, in its nature, admits least of effective regulation. In most of the States, as in New Jersey, certificates of moral character made by one or more persons, are the only evidence required. In Indiana the certificate may come from "any reputable citizen," and the applicant is entitled to a jury to try the question of his moral character if it be disputed. The certificate must be made by a court of record in South Dakota, and by a county court in Virginia, Kentucky and in some other States. In Illinois the record of a court of record must be produced, showing the testimony of two members of the bar to the character of the applicant. In some States affidavits of moral character are required, in others "satisfactory proof" or "satisfactory testimonials." The perfunctory way in which all such evidences of character are usually given deprive them of much of their value.

Not much advance upon these methods appears to have been made in any of the new systems. Some of these require notice of the candidate's intention to apply for admission to the bar to be posted or published; and in Connecticut it must appear that the bar of the applicant's county (written notice being sent to each member) approves of his application.

The best safeguards against the admission of persons of unfit character are probably to be found in the period of study required and in the standard of general and professional education maintained, but we think something may be gained by requiring the applicant to give such notice to the bar as will encourage protest against the admission of persons of unfit character. We recommend that applicants be required to post two months' notice in the clerk's offices of the county courts and of the Supreme Court of their intention to apply for admission, and to give similar notice to the local bar association, if there be one.

2. Test of General Education. A minimum standard of general education is a feature which appears to belong exclusively to the new

[7] The figures at the head of the numbered paragraphs in the text of this report refer to the numbered columns in Tables A and B in Appendix I.

systems except in Pennsylvania where it is required in Philadelphia. It is not found in all of these systems. A specific test for it is required in seven States.[8] In nearly all of these the standard adopted is a high school education or its equivalent, and that is the standard recommended by the American Bar Association.[9] When the applicant is unable to show that he has had such an education, he is required to pass an examination which appears to be designed to be approximately equivalent to an examination for a high school diploma. In several States his examination is conducted by the law examiners, but in New York by officers of the public schools. In the discussions upon the subject of raising the character of the bar, which may be found in the law periodicals and in the reports of the American Bar Association, hardly any point has received more emphasis of approval than that of a minimum standard of education for those who enter the profession.

3, 4. Period of Law Studies. Effect of a Degree from a College or Law School. No State requires more than three years' clerkship or study of the law as a condition to entering the bar, except New Jersey which requires four years for persons not college graduates. Four years' clerkship (with exceptions) are required for admission to the bar of the Supreme Court of Pennsylvania, but not generally for admission to the local courts of that State. Three years' clerkship is the rule in the Eastern States, but two years is not infrequent in Western and Southern States, and in some of the latter no period is fixed at all. Nearly all of the States allow a course of study in a law school to take the place of a clerkship, although some require a clerkship for a lessened term in addition to the law school course. Thus, in addition to such course, clerkships are required in Minnesota and Rhode Island for six months; in New Jersey for two years and six months, or eighteen months if the student holds the degree of B.A. or B.S. or equivalent degree in a college. In many of the Southern and Western States graduation from stated law schools admits to

[8] A preliminary examination to test the applicants' general education is required in Connecticut, Michigan, New York, Colorado, Illinois, Ohio and Vermont. See Table A and Appendix IV.

[9] "Resolved, that the American Bar Association is of the opinion that before a student commences the study of law it is desirable that he should have received a general education approximately equivalent to a high school course, and that persons who have not completed the equivalent of such a course should not be admitted into law schools as candidates for a degree." Report Am. Bar Asso. 1897, p. 33.

the bar without examination, but usually the law school specified is one within the State, and often is connected with the State university.

5, 6, 7. What Court Admits to the Bar. By Whom Examinations are Conducted. Appointment of Examiners. In all the States having new systems the law examinations are conducted by a single State Board of Examiners, appointed by the court of last resort;[10] and in all but five of them, that court alone may admit to the bar.[11]

In the States using the old systems there is a great diversity of practice. In very many, admission to the bar is entirely under control of local inferior courts. In Pennsylvania "the judges of the several Courts of Record" have power to admit persons "to practice as attorneys in their respective courts." But admission to practice "in any Court of Common Pleas and in the Supreme Court" entitles to admission to all other courts. There is no general system for that State regulating the admission of attorneys to practice, and the local regulations differ in different counties. Admission to the bar of the Supreme Court there (with some exceptions) requires a clerkship of four years followed by admission to, and practice in, one of the inferior courts for one or two years. The local regulations of the courts of Philadelphia have established a system of thorough examination to test the general education, as well as the legal training, of the applicants. In New York the Court of Appeals appoints the State Board of Examiners, but the applicants, on passing the examinations, are admitted by the Appellate Divisions of the Supreme Court.

8. Number of Examiners and Term of Office. The membership of the boards and the term of office in the States having the new systems vary a good deal. In four States the board consists of three examiners, the terms ranging from three to six years; in six States the boards of examiners have five members, with terms ranging from three to five years. The boards consist of six members in Vermont, seven in Minnesota, nine in Ohio and fifteen in Connecticut. And in

[10] In Connecticut the Superior Court appoints the examiners. But all the judges of the Supreme Court in that State are also *ex officio* members of the Superior Court.

[11] In five States having the new systems the power to admit to the bar is vested in courts inferior to the court of last resort. In those States the applicant, on producing the certificate of the State board of examiners, is admitted as follows: In Wisconsin, by the Circuit Court; in Connecticut and Georgia, by the Superior Court; in New York by the appellate divisions of the Supreme Court; in Masachusetts, by the Superior or the Supreme Court.

all of the last four named States the term of office is three years.[12] In all cases, however, the terms of office are so adjusted that not more than one-third of the members are changed each year.

In the States using the old systems, the examiners, so far as we can find, are appointed for the occasion only, except in New Jersey where they are appointed for three terms of court—that is, for one year.

9, 10. Examinations. In seven States the examinations are almost exclusively written, though in some of these oral examinations are permitted, in the discretion of the examiners.[13] In the other States having new systems, the examinations are both oral and written. Of the States using the old systems, the examinations (if held at all) are in some oral, in some written, and in some both oral and written. In many States the topics of examinations are specified by statute or rule of court. The number of topics mentioned ranges in different States from seven to thirty-nine. Quite full particulars of the time and methods of holding the examinations, both oral and written, and of preparing the questions and marking the answers, appear in the reported conferences of the law examiners of the different States. In all the States having the new systems much more time appears to be given to the examinations than is given in New Jersey.

11, 13. Fees Charged Applicants and Pay of Examiners. In nearly all of the States a fee is required of persons on entering the bar. It varies in amount from $5 in Ohio to $35 in Nevada. In New Jersey the fee is $14 for admission as attorney and the same sum for admission as counselor. The examiners are paid in seven States using

[12] The number of examiners and their terms of office are as follows (we have not ascertained the term of office in New Hampshire and Wisconsin):

	Examiners.	Term.
New Hampshire	3	
New York	3	3 years
Georgia	3	6 years
Maryland	3	3 years
Wisconsin	5	
Michigan	5	5 years
Colorado	5	5 years
Illinois	5	3 years
Massachusetts	5	5 years
Wyoming	5	3 years
Vermont	6	3 years
Minnesota	7	3 years
Ohio	9	3 years
Connecticut	15	3 years

[13] Connecticut, New York, Massachusetts, Ohio, West Virginia, Georgia, Wyoming. See Appendix V.

the new systems.[14] They are not paid in four States. In the other States having the new system it does not appear whether they are paid or not. Apparently the examiners are not paid in any of the States using the old system.[15]

In reading the regulations thus noted and the discussion upon legal education in the reports of the bar associations (especially the American Bar Association) and in the periodical press, it is impossible to escape the conviction that a strong impulse has arisen in this country within ten years toward raising the character of the bar, and that better general and legal education is regarded as the principal means of attaining that end.[16] The examinations appear to be considered in the discussions not only as tests of knowledge, but also as *stimuli* to a more systematic and intelligent course of study, and in the States in which the new systems are adopted attempt has been made to shape the examinations to that end. The steps taken in those States and the practical results attained appear to be far in advance of any hitherto taken or achieved in New Jersey. The practical effect of these measures, as explained in the conference of law examiners, has been to make an appreciable improvement in the general character of the bar where the new system has been long enough in operation to make its effect fully apparent.[17]

The defects in the regulations for admission to the bar in our own State may, for the most part, as we think, be resolved into two, namely, (1) the lack of such organization in the examining board

[14] The examiners are paid in Wisconsin, Minnesota, New York, Michigan, Massachusetts, Georgia and Maryland. The lowest compensation paid, so far as we know, is $10 per day to each examiner, which is the sum paid in several States, and the highest is $2,000 per year, paid to each examiner in the State of New York with an allowance of $2,000 to the board for expenses. The court may order an extra allowance as compensation. At present there is an extra allowance of $500 to each member, making the total compensation $2,500 to each. See column 13, table A. The examiners are not paid in New Hampshire, Connecticut, Vermont and Wyoming.

[15] See Appendix VI. for legal education in England and on the continent of Europe.

[16] "A better education is the great need and the most important reform. * * * That which I wish alone to emphasize is the need of securing in some way to every one admitted to the practice, the benefit of a preparation therefor far surpassing that which most young lawyers now enjoy." Mr. Justice Brewer (U. S. Supreme Court), in a paper read before the American Bar Association, entitled "A Better Education the great need of the Profession." Report Am. Bar Asso. 1895, pp. 441, 450. And see comments by Mr. J. C. Carter, Id., p. 381.

[17] As to the effect upon the character of the bar of the new system of regulations for examinations, see Reports Am. Bar Asso. 1897, p. 370; 1898, pp. 532, 542.

as can give thoroughness, system and continuity to the methods of examination; and, (2) the lack of a minimum standard of education. The examining board consists of six members of whom two go out of office at each term, the whole board being changed in the three terms of the year. As they are not paid even their expenses and the examinations require a considerable sacrifice of time, it is not customary to burden them with a reappointment. In consequence, the examiners are usually inexperienced in their duties. The preparation of questions which, not being too numerous, shall cover the field of examination; which shall test organized legal knowledge and not mere memory; which shall present practical legal problems, neither too difficult nor too easy of solution, with clearness of statement and certainty of meaning—the preparation of such questions requires no small degree of special study and special experience. It is impossible, with the short terms and shifting personnel of the board, for examiners to attain these qualifications. A comparison of the examination questions used here with those in use in New York, Massachusetts and Philadelphia, specimens of which are attached hereto, will show the absence of systematic selection, of uniformity of system, of clearness and of experience, which is due to causes inherent in our methods.[18] We call attention particularly to the large number of problem questions used in the specimen examinations. Very few are used here, though such questions are the best to test knowledge of principles, and they are the only test of ability to apply principles to facts.

A like want of system obtains in marking the answers. Of two sets of answers of equal merit, one written at each of two successive terms, one may be accepted and the other rejected because the examiners have no permanent standard of marking.

None is more conscious of these defects in the examinations than the examiners themselves; and the fear of doing injustice to the candidates doubtless leads to the passing of many whose answers do not entitle them to pass.

The oral examinations, as at present conducted, we think are of hardly any use at all. The rules require them to be held in the presence of the court, yet the time that the court is able to give to

[18] "Too often they (the questions) are asked almost at random and deal with a list of scattered points rather than with any important and comprehensive doctrine of law." Report of Committee on Legal Education, Am. Bar Asso. 1891, p. 312, commenting on the bar examinations then in general use in the country.

them does not suffice for an adequate oral examination of one-fourth the number of candidates who present themselves at each term. Oral examinations, however valuable as tests of knowledge in individual cases, cannot be made fair tests for large classes except at an impracticable cost of time. They may be useful, however, if made supplemental to the written examinations in cases in which the answers are neither distinctly above nor distinctly below the standard.[19]

We think that more time should be given to the examinations than is at present allowed, and that the examiners should be allowed to fix the time, subject to the approval of the court, as experience may require.

In some States the names of the persons examined are not known to the examiners until the result of the examinations has been announced. We think that such a provision would tend to give confidence to the candidates and to relieve the examiners from suspicion of favoritism. We therefore recommend its adoption.

If the examinations are conducted with proper care and thoroughness they will require more time from the examiners than the latter can reasonably be required to give gratuitously. We therefore recommend that they be paid a reasonable compensation, to be fixed by the court, from time to time, as is the practice in Massachusetts and New York. We think that the Legislature would authorize such an expenditure in view of the revenue derived from the fees of applicants for attorneys' and counsellors' licenses. In the last ten years the State has received from that source $19,562, or an average of nearly $2,000 a year. All of this money is paid into the treasury and applied to general public expenses. Yet the State is put to no expense on occasion of admitting these applicants save the printing of the examination questions and of the certificates and commissions which are issued to the successful candidates.

We recommend that a board of three (or five) paid examiners be appointed, removable in the discretion of the court, but, unless sooner removed, to hold office for three (or five) years, not more than one term to end each year; that the oral examinations should be held only in the discretion of the examiners, and that they should not be held in the presence of the court; that the examiners should examine and decide upon all the prescribed qualifications of the candidates,

[19] An extended discussion upon the merits and difficulties of oral examinations may be found in the conference of the State boards of law examiners. Report Am. Bar Asso. 1899, p. 518.

and report to the court, with their recommendations, the names of those who, being properly qualified, shall have passed the examinations.

It is obvious that no reorganization of the Board of Examiners would give much better results from its work than in the past, if the old method of preparing questions were continued. We therefore venture to lay emphasis upon the need of appointing examiners who shall be sensible of the important nature of their work, and willing to give it special and serious study.

The need of a minimum standard of education is very generally admitted throughout the State. It is a matter of common knowledge that the number of uneducated persons at the bar has increased very rapidly in recent years. This is not surprising when the absence of any test of general education and the rapid increase in the number of persons entering the profession are considered. Appendix IX. shows the number of admissions as attorneys, annually, for the last twenty-one years. In 1880, eighty-one were admitted; in 1890, thirty-seven; in 1900, one hundred and fifty-six. The average annual number for the five years, 1880-1884, was seventy-four; for the five years, 1896-1900, it was one hundred and twenty-four. In the last ten years nearly one thousand persons have been admitted to practice as attorneys. The pressure of competition for livelihood in all gainful occupations tends to increase the number of the ignorant, as well as of the educated, applicants for admission to the bar.

But it is not only because ignorant lawyers bring the profession into contempt that the educational test is demanded. Such a test is also an important aid in sifting out persons of unworthy character, although it is not, of course, a conclusive test.

We think that public opinion and the sentiment of the bar will support us in recommending that persons without that degree of education which the State offers free to all in its common schools should not be allowed to enter the profession of the law. When the candidate is unable to show that he has graduated from a high school or from a public or private institution of equal or higher educational rank, we think that he should be required to pass a preliminary examination, approximately equal to an examination for graduation in a high school course in this State. This examination could be most conveniently held under supervision of the officers of the public schools. At present, examinations are held for licenses to teach in

the public schools, three times a year [20] in each county, under the direction of the State Superintendent of Education, and upon questions prepared by him. Preliminary examinations, such as we now propose, might be held at the same times and places, by the same examining officers. Or, if it be thought better, the proposed preliminary examinations might be held in several of the principal cities of the State, at stated times, by the principals of the high schools, or by such other officers as the State Superintendent of Education may designate. To secure uniformity in the examinations, it would be best to have the questions prepared by the State Superintendent of Education, with the concurrence of the Board of Law Examiners, and to give him authority to revise the markings of the answers. We have conferred with the Committee on Education of the State Board of Education and are assured, by a resolution adopted by that committee, of its co-operation in establishing such a plan. The members of the committee have assured us informally that the plan would not involve any expense, nor much trouble to the school officers.

In New York the applicant is allowed to take this preliminary examination at any time within one year after beginning the study of law; that is, at least two years before taking his bar examinations. This allows young men an opportunity to prepare for preliminary examinations during the first year of their law studies. We recommend this provision.

We think that a four-year period of clerkship is unnecessarily long. We recommend that it be reduced to three years, and that regular attendance in a course of study in a law school of approved standing be allowed in lieu of an equal period of clerkship, even to the whole extent of the latter. The training of the law school is incomparably superior to that of the law office in all respects save the routine of office practice, and what the student may lack in the latter is more than compensated for by his gain in more important legal knowledge. In New York and some other States the period of legal study is only two years for graduates of approved colleges or universities.

In order to prevent application for admission to the bar being made as an afterthought, by those who have served a clerkship in law offices with no intent of becoming lawyers, we think that some evidence of the student's intention should be recorded when his studies begin. We recommend the adoption of the New York provision upon this

[20] The county examinations for licenses to teach are held on the first Fridays and Saturdays of February, May and October.

point, requiring the attorney in whose office the studies are begun to file with the clerk of the Supreme Court a certificate to that effect at that time.

We have appended to this report, for the consideration of the court, a plan of amendments to the rules embodying our recommendations in definite detail. (Appendix XI.)

New Jersey stands alone among the States in making a distinction between attorneys and counsellors, and in requiring a second examination of those persons, who, having practiced within the State as attorneys for a required period (three years), apply for license to practice as counsellors. In all other States admission to the bar admits to practice in both characters. The attorneys' examinations, according to the present custom, cover the same field as the counsellors' except the subject of real estate, so that the practical effect of the regulation in question, so far as the studies of the applicant are concerned, is to require him to continue (or to resume) his general law studies during the three years after becoming an attorney, and to add to them the study of the law of real estate. But the attorneys' examinations ought to include the subject of real estate, because the attorney is as likely to be called on for advice respecting that, as any other, branch of the law; and moreover, that subject is always included in the law school course. If that subject were included in the attorneys' examinations, the exaction of a second examination would amount to a requirement that the applicant for counsellor's license should study law (with more or less continuity) for six years, during the last three of which he would be entitled to all the privileges of a lawyer except those which pertain exclusively to the counsellor. The most important of these are the privileges of signing bills of complaint in chancery and arguing causes in the superior courts. Practically all the work and all the responsibilities of the lawyer, excepting the argument of causes in the superior courts, are, in fact, done and assumed by attorneys.

All the members of the committee think, however, that the sentiment of the bar favors the continuance of the present rule upon this point, and a majority of the committee think the rule is warranted by its tendency to promote legal study in young practitioners and to increase, in some degree, the dignity and sense of responsibility that attaches to the office of counsellor-at-law. There is no doubt that the second examination could be made the means of raising the standard of legal attainments for that office, if the sentiment of the bar would

support an increase in the scope and thoroughness of the counsellors' examinations.

The statute known as "The Five Counsellors Act" was repealed March 16th, 1900 (Laws 1900, p. 62), but persons registering in the office of the Supreme Court within thirty days after the repealer took effect, were allowed to avail themselves of the privileges of the act repealed. The number of persons who registered in compliance with that provision is two hundred and sixty-one. Of this number, sixty-five have since passed the examinations. We think it would be well if the persons intending to avail themselves of the privilege of this act were required to take their bar examinations within some limited time in the future.

The State Bar Association, about a year ago, required its Committee on Legal Education, whose chairman, Mr. Keasbey, is a member of this committee, to investigate the subject covered by the present report. The Committee on Legal Education of that association presented a report to the association at its annual meeting last June, proposing, in substance, all the more important recommendations that we have made herein. That report was adopted. From this circumstance and from other indications of opinion we think that the recommendations made in this report will not go beyond the sentiment of the bar.

Dated November 6th, 1901.

CHAUNCEY N. BEASLEY,
EDWARD Q. KEASBEY,
DAVID J. PANCOAST,
CHAS. H. HARTSHORNE.

APPENDIX I.

TABLES A AND B.

The following tables are made up for the most part from "Bulletin No. 7," December, 1899, on "Professional Education," issued by the University of the State of New York:

The blanks in the tables indicate that no regulations appear in that Bulletin upon the subject under which the blank appears.

In those States in which a degree from a law school admits to the bar, the privilege is generally confined to a degree from a law school of the State.

Table "A" is made from the regulations of those States which have adopted new systems of bar examinations. There are seventeen of these States. The date stated under the names of each State indicates the year in which the new system was authorized within the State.

Table "A" indicates the regulations of the States therein mentioned upon the following subjects:

Column 1—Evidence of Character.
Column 2—Test of General Education.
Column 3—Period of Study and Where.
Column 4—Effect of Degree in Law School.
Column 5—What Court Admits to Bar.
Column 6—By Whom Examinations Conducted.
Column 7—By Whom Examiners Appointed.
Column 8—Number and Terms of Examiners.
Column 9—Written or Oral Examinations.
Column 10—Subjects Specified.
Column 11—Fees Charged Candidates.
Column 12—Attorneys from other States—When Admitted Without Examination.
Column 13—How Admissions to Bar are Regulated; Miscellaneous Remarks.

Table "B" is made up from the regulations of those States which have not yet adopted new systems of bar examinations. This table indicates the regulations of the States therein mentioned upon the same subjects as are stated in Table "A," except that the regulations respecting attorneys from other States are omitted.

In column 3, when no place of study is specified no regulation upon that point appears in the Bulletin.

APPENDIX II.

A PARTIAL LIST OF THE PAPERS, ARTICLES AND DISCUSSIONS PUBLISHED UPON THE SUBJECT OF LEGAL EDUCATION AND ADMISSION TO THE BAR.

The following list is not designed as a bibliography, but only to mention such publications as may serve to indicate the extent of the professional interest that has recently been manifested in the subject of legal education.

A very comprehensive bibliography of legal education is contained in Chapter XVI. of the Report for 1891 of the United States Commissioner of Education on Legal Education, elsewhere referred to in this report.

REPORT OF COMMITTEE ON LEGAL EDUCATION. *Report Am. Bar Asso. 1891, p. 301.*

Of this report Judge Dillon said (Id., p. 49) "that if the Bar Association had done nothing more than to secure that report and the very able one on the same subject that preceded it (1879) it would have been enough to have justified our existence." The report contains a very full discussion of the whole subject of legal education and of admission to the bar.

REPORT OF COMMITTEE ON LEGAL EDUCATION. *Report Am. Bar Asso. 1892, p. 317.*

This is also a very comprehensive report, and is also published as part of the report of the United States Commissioner of Education for 1891 on Legal Education, published in 1893, and contained also in Vol. 5, part 1, Report of the Secretary of the Interior, 52d Congress, 1st Session.

"EXISTING QUESTIONS OF LEGAL EDUCATION." *Paper by Austin Abbott. Report of Am. Bar Asso. 1893, p. 371.*

"LEGAL EDUCATION OF UNDERGRADUATES. *Paper by Woodrow Wilson. Report Am. Bar Asso. 1893, p. 438.*

"LIMITATIONS AND REQUIREMENTS OF LEGAL EDUCATION IN THE UNITED STATES." *Paper by Edmund Wetmore. Report of Am. Bar Asso. 1894, p. 461.*

REPORT OF COMMITTEE ON LEGAL EDUCATION. *Report Am. Bar Asso. 1895, p. 309.*

"TABLE A."

New Systems of Bar Examinations.

	1 EVIDENCE OF CHARACTER.	2 TEST OF GENERAL EDUCATION.	3 PERIOD OF STUDY AND WHERE.	4 EFFECT OF DEGREE IN LAW SCHOOL.	5 WHAT COURT ADMITS TO BAR.	6 BY WHOM EXAMINATIONS CONDUCTED.	7 BY WHOM EXAMINERS APPOINTED.	8 NUMBER AND TERM OF EXAMINERS.	9 WRITTEN OR ORAL.	10 SUBJECTS SPECIFIED.	11 FEES.	12 ATTORNEYS FROM OTHER STATES, WHEN ADMITTED WITHOUT EXAMINATION.	13 HOW ADMISSIONS TO BAR ARE REGULATED—MISCELLANEOUS REMARKS.
New Hampshire. 1878.	Affidavits by persons known to Supreme Court		Three years in law office.		Supreme Court.	Committee.	Supreme Court.	Three members.	Both.		None.	On one year's practice and "whenever such examination is rendered unnecessary by the circumstances of the case."	Regulated by rules of court. Students must register with clerk of county court on beginning the study of law. Compensation of examiners covers expenses only.
Wisconsin. 1885.	"Satisfactory evidence."		Two years.	Admits to bar.	Circuit Courts, on certificate of State Bar Examiners	Board of Examiners.	Supreme Court.	Five members.	Both.	Thirty-nine subjects.		On two years' practice.	Regulated by statute. Examiners' compensation, $10 per day each and expenses.
Connecticut. 1890.	Certificate of county court that bar of county approves applicant. Notices sent to members of county bar before admission.	High school, or equivalent examination	Three years in law office or law school; or two years if graduate of college or law school.	See column 3.	Superior	"Examining Committee."	Superior Court.	Fifteen members. Three years; one-third go out yearly.	Written.	Fifteen subjects.	$15 to $20.	On three years' practice in foreign state, and "on vote of the bar" (of the county?)	Regulated by rules of court.
Minnesota 1891.	Certificate of two attorneys.	Examination test on specified subjects. See Appendix V., p. 26.	Three years, of which six months must be in law office.	LL.B. University of the State, admits to bar. Graduation after three years' course in law school of good standing supplants the three years' course of study.	Supreme Court	Board of Examiners.	Supreme Court.	Seven members. Three years.	Both.	Twenty-four subjects.	$15.	On five years' practice, and certificates of character	Regulated by statute and rules. Examiners report result of examination to Supreme Court, with recommendation to admit or reject. Fees applied to expenses and compensation ($10 per day to each member) of the board.
New York. 1894.	Certificate of an attorney.	Regent's certificate of examination (high school examination), or equivalent.	Three years in clerkship or in law school. See column 4.	A college degree reduces period of law study by one year.	Appellate division of Supreme Court.	Board of Examiners.	Court of Appeals.	Three members. Three years.	Written only.		Reduced from $15 to $10.	On three years' practice, in discretion of appellate division of Supreme Court, if candidate have the other qualifications required.	Regulated by statute and rules. Compensation of examiners fixed by Court of Appeals. Certificate of beginning clerkship is filed in Court of Appeals. Preliminary examination must be not later than one year after beginning the study of law.
Michigan. 1896.	Affidavits from two attorneys, not preceptors of applicant, and certificate from Circuit judge.	High school examination, if professional examination discloses deficient preliminary education.	Three years.	Admits to bar.	Supreme Court.	Board of Examiners.	Governor, on recommendation of Supreme Court.	Five members. Five years.	Both.	Twenty-nine subjects.	$10.	On recommendation from Judge of Court Last Resort of foreign state, in discretion of Supreme Court, "if satisfied of his qualifications."	Regulated by statute and rules. Examination papers kept on file. Examiners' compensation, $10 a day each and expenses.
Colorado. 1897.	Certificate of moral character; names posted for thirty days in office of clerk of court.	High school, or equivalent, or examination as for teachers.	Two years in law office or law school.	See column 3.	Supreme Court.	Board of Examiners.	Supreme Court.	Five members. Five years.	Both.		$20.	On "diploma" entitling to practice in foreign state and "satisfactory evidence of character and qualifications"	Regulated by rules and statute.
Illinois 1897.	Certificate from county court of record on testimony of two attorneys.	High school, or equivalent.	Three years in law office or law school.	Admits to bar.	Supreme Court.	Board of Examiners.	Supreme Court.	Five members. Three years.	Both	Seventeen subjects.	$10.	On five years' practice, or "if requirements for (foreign) license are equal to those of Illinois."	Regulated by statute and rules.
Louisiana. 1897.	Certificate of character; names of applicants posted three days before admission.		Two years.	From State University law school admits to bar.	Supreme Court.	A "Committee" and the Court.	Supreme Court.		Oral	Eighteen subjects and text-books.	Amount not stated.	On "evidence of good moral character" and examination "on the laws of Louisiana."	Regulated by statute and rules. Applicants are examined separately, first by examiners, and if passed by them, then by the court. The number examined is only eight or ten a year. See Report American Bar Association, 1899, page 522.
Massachusetts. 1897.	Certificate of moral character.	None.			Supreme and Superior.	Board of Examiners.	Supreme Court.	Five members. Five years.	Written.		$10.	On "satisfactory evidence" of character and "professional qualifications."	Regulated by statute and rules. Supreme Court fixes the compensation of the examiners. The applicant petitions the Supreme or Superior Court, which admits on report of the examiners.
Ohio. 1897.	Certificate of character.	High school, or equivalent.	Three years in law office or law school.		Supreme Court	A "Committee."	Supreme Court.	Nine members. Three years.	Written.	Seventeen subjects.	$5.	On five years' practice preceded by two years' law study and an examination, and on evidence of character.	Regulated by statute and rules. Applicant registers in Supreme Court when he begins study of law. Examiners certify result of examination to court.
West Virginia. 1897.	Proof satisfactory to a county court.		Two years.	From law school of State University admits to bar.	Supreme Court.	Law faculty of State University.			Written.	Nineteen subjects.		On "satisfactory evidence" of admission.	Regulated by statute and rules.
Georgia. 1897.	Certificate of character.			From State law school admits to bar.	Superior Court.	Board of Examiners.	Supreme Court.	Three members. Six years.	Written.		$15.	When the foreign state admits the lawyers of Georgia.	Regulated by statute. Applicant applies in writing to Superior Court. Examination papers are prepared by the Board of Examiners and answers passed upon by that board, but examinations are conducted before the respective superior (local) courts. The names of applicants are not known to examiners. Expenses are paid from fees and balance "divided equally" among examiners for compensation.
Maryland. 1898.	Certificate. Names of applicants are published before admission.	None.	Three years in law office or law school.	Of University of Maryland, or of Baltimore, admits to bar.	Court of Appeals	Board of Examiners.	Court of Appeals.	Three members. Three years.	Both.	Fifteen subjects.	$25.	On five years' practice and proof of character.	Regulated by statute and rules. Court of Appeals fixes compensation of examiners. Board reports to the court, which admits by order after first publishing notice of names reported favorably.
Vermont. 1898.	Certificate of three attorneys.	High school, or equivalent.	Three years in law office.	Two years or less at law school equivalent to equal period of clerkship.	Supreme Court.	Board of Examiners.	Supreme Court.	Six members. Three years.	Both.	Nineteen subjects.		On one year's practice and proof of character.	By statute and rules. No compensation to examiners, but their expenses are paid.
Maine. 1899.	Rules not yet printed. But see description of system at conference of Law Examiners. Report American Bar Association, 1900, page 581.											On "recommendation of judge of the (foreign) Court of Last Resort, in the discretion of Supreme Court "if satisfied as to his qualifications."	Regulated by statute and rules.
Wyoming. 1899.	Certificate by an attorney.		Three years in law office or law school.	See column 3.	Supreme Court.	Board of Examiners.	Supreme Court.	Five members. Three years.	Written.		$15.	On proof of character, "in the discretion of the Supreme Court."	Regulated by statute and rules. Expenses of examiners paid, but no compensation. Applicants apply by petition to Supreme Court. Examiners report to Court.

"TABLE B."

Old Systems of Bar Examinations Still Existing in the States Named Below.

	1 EVIDENCE OF CHARACTER.	2 TEST OF GENERAL EDUCATION.	3 PERIOD OF STUDY AND WHERE.	4 EFFECT OF DEGREE IN LAW SCHOOL.	5 WHAT COURT ADMITS TO BAR.	6 BY WHOM EXAMINATIONS CONDUCTED.	7 BY WHOM EXAMINERS APPOINTED.	8 NUMBER AND TERM OF EXAMINERS.	9 WRITTEN OR ORAL.	10 SUBJECTS SPECIFIED.	11 FEES.	13 HOW ADMISSIONS TO BAR ARE REGULATED. MISCELLANEOUS REMARKS.
Alabama.	Examining judge inquires into.			Degree supplants law examination.	Supreme.	Judges inferior courts in different localities. Answers approved by Judges Supreme Court.			Written.	Eight subjects.		
Arkansas.	"Satisfactory proof by sworn petition."				"Courts of the State."	Applicants must be examined in "open court."						
California.	"Satisfactory testimonials."			Degree supplants law examination, unless specially ordered.	Supreme.	Judges of Supreme Court or commissioners.	Chief Justice Supreme Court.				Amount not stated.	
Delaware.	Applicant must be of "integrity and good character."		Three years under direction of a lawyer of the State.		Any State court.	Board of County Examiners.			Oral or written, or both.			
Florida.	The act of 1897 providing for a State Board of Examiners was held unconstitutional by the State Supreme Court on the ground that the act vested the appointing power in the court, while the Constitution required such appointments to be made by the Governor.											
Idaho.	"Satisfactory testimonials."				Supreme and District Courts.	Judges of court.					$27.	
Indiana.	Certificate from "any reputable citizen." A jury may be demanded by applicant to try his moral character.				Local courts.	Local judge or a committee.	Local judges.					The statute provides that "every person of good moral character, being a voter, on application, shall be admitted" to the bar. It provides that the applicant "may, upon motion, be examined touching his learning in the law."
Iowa.	Affidavits of applicant and two "witnesses."		Two years in law office or law school.		Supreme Court.	Supreme Court or a committee, but court prepares printed questions and decides result of examinations	Supreme Court.	Three and Attorney-General *ex officio;* one term of court.	Both.		Amount not stated.	
Kansas.	Satisfactory to the court.		Two years, of which one must be in law office.	Admits to bar.	Local courts and Supreme Court.							The statute requires that the applicant "satisfies" the local court "that he possesses the requisite learning." No examination is provided for in the statute or rules.
Kentucky.	Certificate from county court.				Circuit Court and Court of Appeals.	Examiners or Judges of Court of Appeals.	Circuit Court.	Two; no term.	Oral.			
Mississippi.	Local court "inquires into" it.			Admits to bar.	Local Chancery Court, on approval of Supreme Court.	Local Chancellor, but the written answers are passed upon by Judges of Supreme Court.			Written.	Eight subjects.		
Missouri.	"Satisfactory testimonials."			Admits to bar.	Local courts.	Local court and a committee.	Local court.	Three; no term.	Oral.	Ten subjects.		
Montana.	Certificates of moral character.		Two years.		Supreme Court.	Judges of Supreme Court.			Both.			
Nebraska.	Affidavits of two "reputable citizens."		Two years, or a graduate of law school.	Admits to bar.	Supreme Court.	A commission.	Supreme Court.	Five; one term of court.	Oral.		$15.	
Nevada.	"Satisfactory testimonials."				Supreme Court.	A commission appointed in local districts.	Supreme Court.	No term.	Written.	Nine subjects.	$35.	The "Commission" to examine consists of the Judge of the District Court and at least two attorneys. They report the result of the examination, with the questions and answers, to the Supreme Court, which may admit or reject the applicant on that report.
New Jersey.	Certificate of moral character.		Four years' clerkship in law office; or three years if A.B. or B.S. of college.	Attendance of eighteen months (or less) at law school counts as equivalent of equal period of clerkship.	Supreme Court.	Board of Examiners.	Supreme Court.	Six; one year. Two go out at each of the three yearly terms.	Both.		$14 for attorneys and $14 for counsellors.	There are separate examinations for attorneys and counsellors. Applicants for counsellors' examination must first practice three years as attorneys.
North Carolina.	Certificates from two members of bar.		One year.		Local courts on certificate of examination from Judges of Supreme Court.				Written.	Eleven subjects.	$20.	Applicants are required "to undergo an examination before two or more Justices of the Supreme Court." It does not appear how the examinations are conducted.
North Dakota.	Affidavit or certificate.		Two years in law office or law school.		Supreme Court.	Court or committee.	Supreme Court.	Three; no term.				
Oregon.	Certificates of two attorneys.		Three years, unless having a degree of "literary institution," then two years.	Supplants period of law study elsewhere	Supreme Court.	Judges of Supreme Court.			Both.	Seven subjects.		
Pennsylvania.	Certificate of moral character.	For Philadelphia bar a preliminary examination on all branches of a good English education.	Three to four years' clerkship for Supreme Court; no period for inferior courts.	Supplants clerkship, if of law department of University of Pennsylvania or of Dickinson Law School, and if there has been preliminary examination.	All courts of record.	Board of Examiners for Philadelphia bar.						There is no system of bar examinations for the whole State. No law examinations appear to be required for admission to the bar of many counties; nor for admission to the bar of the Supreme Court except in Philadelphia. But in other counties applicants for admission to the Supreme Court must have practiced two to three years at a county bar, unless they have taken preliminary examinations and graduated from specified law schools.
Rhode Island.	Must be "of good moral character."		Three years, of which six months in a law office.	A "classical education" saves one of the three years' law study.	Supreme.	A committee	Supreme Court.		Written.			The Examining Committee reports to the Supreme Court and files the written answers of applicants.
South Carolina.	"Satisfactory evidence."			Admits to bar.	Supreme				Written.	Thirteen text-books.	Amount not stated.	
South Dakota.	Certificate of moral character from a court of record.				Supreme	Judges of Supreme Court or attorneys appointed.	Supreme Court.				$5.	
Tennessee.	Certificate of county court.			Faculty of law school may admit to bar.	Any two Judges or Chancellors and law schools of the State.	Judges or Chancellors or law schools.					$5.	
Texas.	Certificate of county commissioners' court.			Admits to bar.	District Court and Supreme Court.	Committee.	District Courts.	Three or more; no term.	Oral.			
Utah.	"Satisfactory testimonials."				Supreme.	Supreme Court or a committee.	Supreme Court.					
Virginia.	Certificate from county court.				Supreme Court of Appeals.				Both.	Fifteen subjects.		
Washington.	Certificate of moral character.		Two years.		Supreme Court.	Judges of Supreme Court and a committee.	Supreme Court.	Three members.	Both.		$20.	

Another very full discussion on the subject of legal education. It contains also "An Outline of the Field to be considered in the Discussion of Legal Education, with an Index of the Papers and Discussions in the American Bar Association," to and including the year 1894. The outline contains among other divisions the following: Admission to the Bar, Organization and Administration of Law Schools, Length of Course, Methods of Instruction, Examinations.

Address by Professor J. B. Thayer of Harvard Law School on "Development of the Study of Law in England and the United States." *Id., p. 409.*

"A Better Education the Great Need of the Profession." *Paper by Mr. Justice Brewer of the United States Supreme Court. Id., p. 441.*

"Two Years' Experience of the New York State Board of Examiners." *Paper by Austin G. Fox. Report Am. Bar Asso. 1896, p. 543.*

"Legal Education in England." *Paper by Professor George H. Emmott. Id., p. 605.*

"What is the Best Training of the American Bar of the Future?" *Paper by John R. Tucker. Id., p. 595.*

Report of Committtee on Legal Education. *Report Am. Bar Asso. 1897, p. 349.*

This is also a very comprehensive report on the subjects of legal education and admission to the bar. It quotes from the report of the United States Commissioner of Education above mentioned respecting the preparatory legal studies and examinations in England and on the continent of Europe, discusses the rapid development of law schools in this country, comments on the recent adoption by several states of new regulations respecting admissions to the bar, comments upon the need for instruction in legal ethics, saying, "At the present time it is believed that no systematic effort is made to place before the student of law the moral aspects of the profession whose ranks he seeks to enter." p. 382.

"Schools of Law—Subjects, Order and Methods of Study." *Paper by C. W. Needham. Report Am. Bar Asso. 1898, p. 615.*

Conference of Members of State Boards of Law Examiners. *Id., p. 503 et seq. See Appendix V.*

Conference of Members of State Board of Law Examiners. *Report Am. Bar Asso. 1899, p. 518. See Appendix V.*

"Study of Comparative Jurisprudence." *Address by William Wirt Howe. Id., p. 567.*

"Legal Education in Canada." *Paper by W. W. Hoyle. Id., p. 579.*

"The State of Legal Education in the World." *Paper by Charles N. Gregory. Report Am. Bar Asso. 1900, p. 459.*

"The Law School as a Factor in University Education." *Paper by H. B. Hutchins. Id., p. 490.*

Conference of State Boards of Bar Examiners. *Report Am. Bar Asso. 1900, p. 576.*

The "Annual Conference" of these examiners was organized, with permanent officers, on this occasion.

"Courts and Admissions to the Bar." *13 Harv. L. R., p. 233.*

"Education and Admission to the Bar." *5 Reports Mo. Bar Asso., p. 142.*

"Education Preliminary to the Study of the Law." *5 Alb. L. J., p. 129.*

"Legal Education—How Much?" *Emory Washburn. 12 Am. L. Reg. (N. S.), p. 400.*

"The True Method of Legal Education." *Am. L. Rev., March-April, 1890.*

APPENDIX III.

RECOMMENDATIONS OF THE COMMITTEE ON LEGAL EDUCATION OF THE AMERICAN BAR ASSOCIATION RESPECTING REQUIREMENTS FOR ADMISSION TO THE BAR.

In 1897 the Committee on Legal Education of the American Bar Association recommended the following provisions "as forming a consistent system that shall both protect the profession and guide the student."

1. In all parts of the State the requirements for admission to the bar should be uniform, and should be administered by a State Board of Law Examiners.

2. No one should be admitted to the bar unless he is of good moral character, is twenty-one years of age, and is a citizen of the State.

3. Upon beginning professional study a student should register his name in the office of a clerk of a court of record or in a law school that is incorporated or is a department of an incorporated university.

4. Prior to registration a student should prove that he has received at least the equivalent of a high school education, such proof being made by filing certificates or by passing examinations, as may be determined by the law examiners.

5. A candidate should not be admitted to the bar until the end of three full calendar years of law study.

6. No candidate should be admitted to the bar without examination, except as hereinafter provided.

7. Law examiners should be appointed by the Court of Last Resort, and should serve for three or more years, part of the number being appointed each year.

8. Law examinations should consist chiefly of written answers to printed questions.

9. Law examinations should be chiefly devoted to solving and discussing legal problems similar to those arising in office practice and in litigation; and questions should not be so framed as to admit "yes" and "no" answers.

10. A candidate should be permitted, if he desires, to divide the law examination into two parts; the first part to cover the more elementary subjects and to be taken not earlier than one year after

registration, and the second part to cover the more advanced subjects and to be taken not earlier than three years after registration.

11. The law examiners should recommend an appropriate order of study, and should designate the statutes, leading cases and practical forms with which students must become familiar, and in all other practicable ways should aid candidates to study in a systematic and useful manner.

12. Law examinations should be held at such times and places as the Court of Last Resort may see fit, due announcement being made as to times, places and subjects.

13. Upon petition, the law examiners should relieve from the requirement as to registration a candidate whose law studies began while he was not a citizen of the State; but they should not grant relief upon terms that would give such a candidate a preference over ordinary candidates.

14. Upon petition, the law examiners should relieve from all requirements, save the requirements as to character, age and citizenship, a candidate who is already a member of the bar of a State in which there are equivalent requirements for admission, or in which, after admission, he has been in active practice for five years.

Report Am. Bar Asso. 1897, p. 371.

APPENDIX IV.

PRELIMINARY EXAMINATIONS IN OTHER STATES.

NEW YORK.—Applicants who are graduates of a college or university or members of the bar of other States, or who have successfully completed a year's course of study in any college or university, or a three years' course of study in any institution registered by the Regents of the New York University, or who have a Regent's diploma, are exempted from preliminary examinations. Other persons must either before, or within one year after, beginning their law studies pass a Regent's examination in "English Composition, Advanced English, First Year Latin, Arithmetic, Algebra, Geometry, United States and English History, Civics and Economics, or in their substantial equivalents as defined by the rules of the University." *Rule V., New York Court of Appeals.*

This examination, as prescribed by the Regents, is designed to be equal to three years of high school work. *Report Am. Bar Asso. 1898, p. 538.*

PHILADELPHIA.—"A person wishing to commence the study of law must undergo an examination on all branches of a good English education and must file with the prothonotary a certificate signed by all the examiners present at his examination that he is qualified to commence such study." *"Bulletin No. 7, December, 1899; Professional Education," &c. (University of State of New York), p. 242.*

CONNECTICUT.—Preliminary examinations are held before the State Board of Bar Examiners. Graduates of colleges and law schools are exempt from them. The examinations are said to be very severe. They cover seven subjects. They must be taken three years before taking the bar examination. *Report Am. Bar Asso. 1898, p. 520.*

OHIO.—None are admitted to bar examinations except "graduates of a public high school, college or university; graduates of a private academy of the grade of a high school; holders of teachers' certificates; graduates of other schools of the State who have taken the examination prescribed by the Boxwell law, which is practically equivalent to a high school education." *Report Am. Bar Asso. 1898, p. 549.*

ILLINOIS.—A rule of court requires "a preliminary general education equal to that of a high school." The examination appears to be conducted by the law examiners. *Report Am. Bar Asso. 1898, p. 551.*

MICHIGAN.—The board of law examiners conducts the examination for general educational qualifications. The minimum standard required is "that required for graduation from Michigan high schools, all of which have practically the same standard, most of them being licensed by the Regents of the University of Michigan." *Report Am. Bar Asso. 1898, p. 556.*

COLORADO. — "A preliminary educational requirement which is equivalent in its minimum exaction to high school education is required by rule of court." *Report Am. Bar Asso. 1898, p. 570.*

VERMONT.—Each applicant "shall present to the board of examiners for admission to the bar satisfactory proof that he has a high school education or its equivalent." *Rule 2, Supreme Court.*

MINNESOTA.—See Appendix V.

APPENDIX V.

NOTES OF INFORMATION GIVEN AT CONFERENCES OF STATE BOARDS OF LAW EXAMINERS RESPECTING DETAILS OF EXAMINATIONS AND THE WORKINGS OF THEIR RESPECTIVE SYSTEMS.

Report Am. Bar Asso. 1898, p. 615.—At the conference of State law examiners held in 1898 a member from each of the States mentioned below gave information from which the following notes are made:

MASSACHUSETTS.—Board of five. Average number of applicants examined, 200. Forty printed questions. All examinations written, though some oral examinations have been used. Examinations last five to six hours, with recess. Deal with twenty subdivisions of law, divided into five groups. No fixed percentage for passing. Every answer read by at least two examiners. No rejection but by majority of board. The decision of the board is practically conclusive. Out of 214 examined that year 138 passed.

NEW HAMPSHIRE.—Board of three. Prepare six papers, each having fifteen questions. Examinations take one hour and a half for each paper, or nine hours in all. Two days allowed for this. Oral examinations also. Seventy per cent. in marking required to pass. Sixty-nine out of 106 passed. All the members of the board examine every paper. Examined thirty or forty applicants a year.

CONNECTICUT, p. 519.—Board of fifteen. Always include three or four judges of Superior Court. At that time included also two of the faculty of Yale. Board holds preliminary examinations to test general education. Fifty-five per cent. fail on that examination. Written law examinations on eleven subjects, lasting one and a half days. About sixteen per cent. fail.

NEW YORK.—Board of three. Describes system of preliminary examinations. Law examinations all problem questions; and why. Examinations one day of eight hours, with recess. Methods of marking. Sixty-six per cent. required to pass. When new system first begun as many as fifty or sixty per cent. failed to pass, but although the examinations are now equally severe, only sixteen per cent. failed in 1898. The court, and not the examiners, inquires into character. No criticism but commendation and satisfaction of the

new system is expressed everywhere. P. 532. Decision of the board is final. Fourteen per cent. of those who have had law school training fail, and twenty-six per cent. of those who have had only law office training fail. P. 538. Questions cover twenty topics. Each member prepares 150 questions. These sent to secretary, who prepares from them fifty questions, in two papers, which are then sent to each member for correction. More time ought to be allowed to the examinations, but the conditions in New York prevent it. Students must return the printed questions in order that examiners may use them again if they wish, though they have not yet done so. The questions are not published. Preliminary education required has had marked effect in raising standard of the bar. P. 542. The board keeps a record of statistics respecting the examinations, which is believed to be of great value.

MARYLAND, p. 544.—Board of three. Applicant files petition with court for admission which is referred to board. Fifteen subjects. Examinations for six hours. Examiners report to court after examinations with the questions, answers and markings. Seventy per cent. required to pass. Board decides on papers, but may be reviewed by court. Relative values are given to different questions.

OHIO, p. 549.—Board of nine. Preliminary test of education equal to high school. Nineteen topics in law examination, one of which is legal ethics. Four to ten questions on each subject. Examinations one and a half days. All written. Seventy per cent. to pass. Student must file certificates, on beginning studies, with clerk of court.

ILLINOIS, p. 551.—Board of five. Twenty subjects of study. Seventy-five questions in all. Twenty-five are problem questions. Written examinations one and one-half days, followed by oral examination for one-half day. Seventy per cent. to pass. Classes are small at present (system just begun), but expect to have 500 or 600 a year. Some opposition to new system, but profession is believed to approve of it.

MICHIGAN, p 555.—Board of five. Examinations written and oral. Five questions on each of thirty subjects. Seventy per cent. to pass. Examinations last three days. Relative values used in marking the questions. About thirty-five applicants each year. About thirty-three per cent. fail.

WISCONSIN, p. 558.—Board of five. Examinations oral and written. The speaker thinks well of oral. Since 1885, 420 applicants had passed, and 482 failed. P. 560.

MINNESOTA, p. 560.—Board of seven. If applicants cannot produce evidence of examinations on specified subjects of an English education they may be examined by the board, but it "has not yet insisted on a rigid enforcement of this rule." Twenty-seven topics of law examination. Five to ten questions on each subject. The subjects assigned to different members. Secretary of board conducts the examinations on these questions and afterwards sends papers to examiners. Each examiner marks the answers to his questions and reports averages to secretary who makes up general average from all the papers. Seventy-five per cent. on general average required to pass. If applicant falls below this he is required to appear for re-examination on all subjects on which he does not reach seventy-five per cent. Two days for written and one for oral examinations. All the board present at oral.

COLORADO, p. 567.—Board of five. Examinations written and oral. One and one-half days for written and one-half day for oral. Conducted in presence of the Supreme Court by the examiners. Judges often take part. Applicants are few. Sixteen at one examination and thirty-eight at another.

Report Am. Bar Asso. 1899, p. 518.—The conference for this year was devoted chiefly to the discussion of oral examinations, their advantages and disadvantages.

Report Am. Bar Asso. 1900, p. 576.—At this meeting "The Annual Conference" of Law Examiners was permanently organized. There was no general discussion.

APPENDIX VI.

LEGAL EDUCATION AND BAR EXAMINATIONS IN ENGLAND AND ON THE CONTINENT OF EUROPE.

At the request of the Committee on Legal Education of the American Bar Association, the United States Commissioner of Education included in his report for 1891 (*supra, p. 18*) a report on legal education in the United States and foreign countries, after first making a general inquiry by circular letters. From that report it appears that throughout the continent of Europe the bar may be entered only after graduation in a course of study of jurisprudence at one of the universities. The degree conferred by the university admits the holder to the bar unless he aspires to a government position either in the judicial or the executive branch. In that case the candidate must pass rigorous State examinations. The report gives very full details of the preparatory studies of the continental system both in the preparatory schools and in the universities. The report also treats of legal education in England. Both the great universities in that country afford courses of study in law and confer the degree of LL.B. This degree, however, does not entitle the holder to admission to the bar. Before being called to the bar as a barrister every candidate must pass the bar examinations held under the "Consolidated Regulations" of the Inns of Court, which is the only official authority by which one may enter that profession as a barrister. No clerkship or period of study is required beyond the requirement that "every student shall have kept twelve terms before being called to the bar." A preliminary examination, however, is required of students before entering upon the course of legal study, unless they have passed an examination at one of the universities, or have passed some one of certain stated examinations held under the military or civil service regulations, or show other specified evidence of a satisfactory general education. The Council of Education of the Inns of Court has a permanent "Committee of Education and Examination," whose duty it is to "superintend and direct the education and examinations of students." But the examinations are not conducted by this committee. They are conducted by paid examiners and assistant examiners who are appointed by the

council, and who may not hold office more than three years consecutively.

See, also, Report Committee on Legal Education; Am. Bar. Asso. 1897, p. 353.

See, also, Appendix B to the Report of the Committee on Legal Education, Am. Bar Asso. 1892, p. 389.

This last-mentioned report also gives a sketch of the history of the bar examinations of attorneys and solicitors. These are held under the supervision of the "Incorporated Law Society." Candidates must have passed a preliminary examination of general education before beginning the clerkship to attorneys which they are required to serve, unless they have passed university examinations. These are followed before entering the profession by the final bar examinations. *Id., p. 385.*

See, also, "Legal Education in England," a paper by Professor George H. Emmott, *Report Am. Bar Ass. 1896, p. 605; and "Legal Education in England,"* by C. N. Gregory, *Har. L. R. 1897 (Vol. X., p. 418).*

There are no institutions in England corresponding to our law schools in thorough and systematic legal training, and English lawyers appear to consider the opportunities for legal education to be better in the United States than in their own country. Mr. Crackanthorpe, who was then a member of the Council of Legal Education of the Inns of Court said: "Education in the United States in the law is far ahead of what it is in my own country." *Report Am. Bar Asso. 1896, p. 605,* and see English criticisms on English legal education, quoted by Mr. C. N. Gregory; *Report Am. Bar Asso. 1900, p. 465.*

APPENDIX VII.

EXAMINATION QUESTIONS USED IN NEW YORK, PHILADELPHIA AND MASSACHUSETTS.

NEW YORK.

State Board of Law Examiners. Examination of Applicants for Admission to Practice as Attorneys and Counsellors-at-Law, held in and for the First and Second Judicial Departments of the State of New York, at Borough of Manhattan, April 16th, 1901. William P. Goodelle, Joseph A. Welsh, Franklin M. Danaher, *State Board of Law Examiners*.

EXAMINATION RULES.

1. Each applicant must commence his answer paper with answers to the following questions:

(*a*) What is your name, age, residence and post-office address?

(*b*) Where and with whom have you pursued your legal studies?

(*c*) What educational advantages did you have before beginning the study of law?

2. Write answers in the order of the questions. Do not copy the questions, but write the number of each question on the margin of the paper, and under its proper subdivision. *Write only on one side of the paper.* Write your name and the number of the page on each separate page of your paper.

3. The written examination will be held in two sessions of four hours each; no further time will be given. Each applicant must return the examination papers with his answers thereto. Unless this is done the board will not pass on his application. No applicant shall enter the examination more than half an hour late, and no applicant shall leave the room within half an hour after the distribution of the examination papers, nor in any case until he shall have returned the same to the board.

4. GIVE YOUR REASONS FOR EACH ANSWER. Answer the question first, then give your reasons. Do not give information that is not asked for.

FIRST AND SECOND JUDICIAL DEPARTMENTS.

New York, April 6th, 1901.

Examination Paper—Forenoon—Four Hours.

1. Draw an affidavit to procure an order extending for twenty days defendant's time to plead. Omit affidavit of merits.

2. What must plaintiff show to entitle him to a warrant of attachment in an action?

3. An action was brought by A against B to recover damages for a personal injury, a trial had therein and a verdict rendered in favor of the plaintiff for $5,000 damages. Subsequent to such verdict, and before judgment, A died. His personal representatives, desiring to continue the action, now make a motion to be substituted as parties plaintiff. You represent the defendant. Will the motion be granted or denied, and under what rule of practice?

4. Plaintiff procured an order allowing him to serve the summons in an action on the sole defendant by publication. How and for how long must plaintiff publish and when is the service complete?

5. You are plaintiff's attorney and must try your case at the next trial term. You learn that a material witness is about to depart from the State and will be absent at that time. You do not deem it advisable to hold him in the State by a subpœna. What would you do under the circumstances?

6. The complaint in an action shows on its face that the plaintiff has not legal capacity to sue. You are defendant's attorney and fail to demur. Have you any remedy for your neglect?

7. A, by his last will, devised his certain farm in the town of X to his two sons, C and D, share and share alike. C was the tenant and in possession of the farm at the time of his father's death, paying therefor to the latter an annual rent of $1,000 dollars, which was its fair rental value. C continued in the possession and use of the farm for ten years after his father's death, without paying any rent therefor. At the expiration of the ten years, his brother D, who was a seafaring man, returned to the town of X. He was out of the country when his father died, and knew nothing of the will nor of the devise of the farm until his return. D now claims $5,000 from C, being one-half of the rental value of the farm for the ten years C was in possession and use thereof since the father's death. What are D's rights, if any?

8. A testator devised his real property to his wife so long as she remained his widow, but in case she remarried, then he devised the same in fee to his daughter. Both mother and daughter are alive. What are their respective estates in the property?

9. A hired from B as tenant a certain store in New York City for five years from May 1st, 1900, at the annual rent of $600, payable monthly in advance. The lease was not in writing. B went into possession and remained therein until June 1st, 1901, when he quit. He paid the rent until the time he left. The landlord now consults you. What are their respective rights under the circumstances?

10. A and B, separate and distinct from each other, were engaged in the importation and sale of flax threads at the city of New York. A, for a valuable consideration paid to him by B, agreed with B that he would not, for a period of twenty years thereafter, prosecute that business at or within a distance of five hundred miles from New York. Notwithstanding which agreement, A, within three months thereafter resumed trade in the same line of business in the city of New York. B sued him for breach of the contract, and A defended the action, contending that the contract was void and not obligatory. State whether A's contention was or was not correct, giving the rule of law as to the validity of contracts of the nature above mentioned.

11. A and B were joint makers of a promissory note to C, payable three months after date. The note was not paid at maturity, and on the day preceding the day on which the six years' statutory limitation was to expire A without any knowledge of his act on the part of B, paid to C the full interest on the note for the six years following its maturity. A year subsequent to that payment C sued A and B for the amount unpaid on the note. B pleaded the statute of limitations in defense. State whether or not B's defense was maintained, giving the rule of law involved on which your answer is based.

12. A loaned to the firm of B & C $5,000, for the benefit of the firm, under an agreement by which the firm was to repay to A therefor ten per cent. of the profits of its business during the succeeding five years. Afterwards D, who had become a creditor of the firm upon a transaction made during the existence of this agreement, sued the three parties for the indebtedness due him, alleging their liability thereon as co-partners, upon the facts now stated. State whether or not A was liable in the action, giving the reasons for your answer.

13. From January 1st, 1897, to January 1st, 1898, A, B and C carried on a manufacturing business, as partners under the style of A and Company. They contracted an indebtedness to the X Bank, upon notes made and maturing during the said period, upon which the bank recovered judgment on May 24th, 1898, for $2,250, and the same day issued execution thereon to the sheriff. The sheriff levied upon and sold certain property formerly held by and pertaining to the business of the firm, which was all its property existing when it ceased doing business January 1st, 1898, realizing therefrom $2,000. On May 10th, 1898, A, B and C had executed and delivered a bill of sale of the same property in their individual names to Richard Roe, in consideration of individual debts owing by them severally to him. Subsequently to said sale by the sheriff, he was sued by Richard Roe for trespass in levying upon and selling said property. State the relative rights of the bank and of Richard Roe in respect to the property in question.

14. A made and delivered to B his promissory note for $1,000, payable to B's order three months after date. B endorsed and delivered the note before maturity to C, who brings suit thereon against A and B. An answer is served by A alleging fraud on the part of B in procuring the note from A, and fraudulent diversion thereof by B, and that C did not take the note in good faith, averring facts tending to show gross carelessness on the part of C in taking the note, and means of knowledge by C of the said fraudulent action of B towards A. The action coming on for trial, what fact is the defendant required to establish by proof in order to defeat the action?

15. A, the holder of a promissory note made by B and endorsed by C, which was dishonored at its maturity, delivered it to a notary to protest and give C notice of protest. B lived in the town of X and C lived in the town of Y; a mail leaving X for Y at 4 P. M. daily. The date of maturity of the note was July 15th; presentment was that day made to B by the notary, and payment refused. What should the notary do in order to fix the liability of the endorser?

16. A made a contract with B to build upon B's lot a dwelling-house, furnishing all the materials and labor, for a stipulated price. A then made an independent contract with C, by which C engaged to do the entire work in laying the floors in the house, receiving an entire consideration for that contract from A. While the house was being built in pursuance of these contracts, D came upon the floor of the

first story, to speak with the owner on a business matter, and while standing there a joist was negligently suffered by some of C's workmen, who were engaged in laying the second-story floors, to fall, and in falling struck D and caused him serious bodily injury. Against whom has D a right of action for that injury? State your reasons for your answer.

17. A employed B to negotiate with some third party to be found by B an exchange of certain lots of land owned by A valued by him at $8,000, for real estate of such third party to be of equal value with A's lots in the estimation of B. B reported to A a transaction of the character proposed negotiated by him with one X, and A thereupon conveyed his lots to X, and received a deed of X for the equivalent value of land as reported by B. Later A learned that B had, in fact, agreed with X for certain additional property worth $1,000 as part of the equivalent in value for A's lots, and had taken a deed thereof direct to himself. State whether or not A has any claim against B in consequence of the deed received by B from X, and if so, the nature thereof and A's remedy.

18. A obtained judgment against B in the sum of $1,000. B appealed therefrom, and X, a surety company, became his surety, agreeing to pay said judgment and costs if affirmed. It was affirmed, and X paid the same in full, with costs. What, if any, rights now has X against A? And what principle is involved?

19. The holder of a promissory note, which had been dishonored, and due notice given, was called upon by the endorser to prosecute the maker, of whom the note could have been then collected. He neglected to do so. The maker subsequently became insolvent and the holder sued the endorser. The above facts were shown on the trial. Judgment for whom, and why?

20. X insurance company, by its agent, issued a policy of $1,000, against loss by fire upon the residence of B. The policy provided that if B procured other insurance on the property without having the consent of the X company endorsed thereon, such policy should be and become void. B informed the agent, at the time that he paid the premium and accepted the policy, that he intended to procure a policy from the Y company of the same amount, but did not ask the agent to endorse the consent therefor upon the policy, and such was not done, although the agent had the authority and would have

so done had he been requested. B subsequently procured such insurance from the Y company without such endorsement on the first policy. The first policy also provided that none of its agents had power to waive any of its provisions, except by written endorsement on the policy. Before the expiration of either policy, or the payment of another premium, the insured premises burned. The X company claims that there is no liability aginst it. B claims to the contrary. Is it liable or not? State your reasons fully.

21. In an application for life insurance, which was made part of the policy, the insured warranted his age to be thirty-five years. The application contained a condition that any false statement therein forfeited the policy. The insured honestly believed that he was but thirty-five years of age, and made the statement in good faith, without intending to deceive. He was actually thirty-eight years old at the time, but would have been insured by the company as of that age, the risk being otherwise desirable, if he had so given his age. After the death of the insured, the person to whom the policy was made payable tendered to the company the difference in premium of an insurance between thirty-five and thirty-eight years of age; but the company refused to accept the same or to pay the policy, claiming that it was not liable thereon. Was the company liable or not? State the rule governing its liability.

22. The plaintiff delivered to the defendant, a furrier, two valuable tiger-skin rugs for storage, until plaintiff should require their return, for compensation. When the rugs were returned, about eight months later, one of them was so damaged as to be worthless. The plaintiff brought action against defendant for damages based on negligence. On the trial the plaintiff showed that when the rugs were delivered to the defendant they were both in perfect condition, and also the amount of damage and rested. The defendant offered no evidence, but asked for a nonsuit, claiming plaintiff had not established any negligence against him. Plaintiff asked the court to direct a verdict against the defendant. What should the court have done?

23. A drew and delivered a large quantity of logs to the mill of B, to be by the latter sawed into boards. The logs were all sawed and the boards therefrom piled in the mill yard of B, when it was agreed that B should, at his own expense, remove the boards from his yard and pile the same on the banks of the canal, about one mile distant,

from which point A was to ship them as soon as navigation opened. It was distinctly agreed that B's lien for the sawing and the removal should remain and attach after he released his possession by removing the boards aforesaid, and until A had paid these charges, which he agreed to do before shipment on the canal. Before shipment, however, C levied execution on the lumber on a judgment against A. B replevied, basing his claim to the right of possession on his lien and agreement with A. Judgment for whom, and why?

24. The defendant raised and harvested a crop of extra wheat, for seed purposes, and sold one hundred bushels thereof to plaintiff, expressly "to be used for seed purposes." There was a latent defect in the wheat, caused by its having got wet and heated in harvesting, known to the defendant, but unknown to the plaintiff, which made it unsuitable for seed purposes. Plaintiff sowed the wheat, but, because of such defect, it yielded a crop of little or no value. Plaintiff sued defendant for damages. What are the rights of the parties, and upon what principle based?

25. A contracted in writing with B, a salt manufacturer, for 5,000 barrels of salt "to be taken out within the next ninety days," and to be delivered as the same should be ordered from time to time within that period, at a stipulated price. A had ordered, and B had delivered, but 3,000 barrels when the ninety days expired, and, the price of salt having materially advanced, upon A's ordering 500 barrels the day following, B refused to deliver the same, and then notified A that no more salt would be delivered at the price stated in the contract. Has A any remedy? If so, what?

New York, April 16th, 1901.

Afternoon—Four Hours.

1. On the trial of an action in which the legitimacy of A, through whom B claimed title to a piece of land, was in dispute, X was called as a witness and testified under objection and exception, that A's grandfather, who was dead, had stated to him that the father and mother of A, both of whom were also dead, had intermarried subsequent to the birth of A. Was the ruling correct or not? Give your reasons.

2. On the trial of an action for damages for breach of contract on the sale of certain horses, A, the plaintiff, testified that B, the defendant, during the negotiations referred him to C, as a person who knew their value and who would give him correct information, and that he saw C in relation thereto. What C said on that occasion to A in regard to the value of the horses was objected to, and question arises as to its admissibility. What do you say?

3. On the trial of an action to recover damages for fraud in the sale of real estate, A, the plaintiff, offered evidence of other frauds of like character committed by the defendant at the same time. Defendant objected and question arises as to the admissibility of the same. What do you say? Give your reasons.

4. On the trial of an action, A, the plaintiff, produced a four-page letter written by B, the defendant, which contained damaging admissions material to the case, and after having B identify and admit its correctness, offered in evidence page three thereof. B's attorney objected to the latter being offered piece-meal and demanded that the entire letter be put in evidence or none of it. What should the ruling of the court be, and why?

5. A and B had a controversy, and they agreed to state the case to X, an attorney, and abide by his advice in the matter. B refused to perform according to the decision given by X, and A sued him on the original cause of action. On the trial A offered to prove by the attorney certain material admissions made by B in the consultation. Objection is made. What should the ruling of the court be, and why?

6. A having a grievance against B fully made up his mind to kill him at sight, and with that intent and for that purpose he purchased a gun with which to do the deed. Before doing anything else to further his determination, he abandoned the project. Of what crime, if any, was A guilty of?

7. A, B and C were jointly indicted for felony. Be demanded a separate trial, to which A and C objected. What should the ruling of the court be?

8. You are defending a prisoner and on the trial a person is called as a juror whose appearance you like, but in answer to questions from the District Attorney he states that he has a present opinion in reference to the guilt or innocence of the defendant, which opinion he has previously expressed. Can he be qualified as a juror, if so, how?

9. A sues B, alleging in his complaint that at a certain time and place B committed an assault on the person of D, whereby D incurred pecuniary damages, and that afterwards D duly assigned his cause of action to A. B demurs to the complaint as not containing facts sufficient to constitute a cause of action by the plaintiff against him. Judgment on demurrer for which party and for what reason?

10. Your client was induced to purchase shares in a company by statements of another who professed to know, and believed that he did know, the company's true financial condition, believing also that the statements which he made to your client were true. It turns out that the statements were false and your client has suffered damage. Your client tells you that while he has been deceived, there was no intent to deceive him, and such you ascertain to be the fact. Has your client any rights? State the grounds of your answer.

11. A and B were guilty of a joint trespass by entering upon land of C and cutting and removing therefrom fifty cords of wood of the value of $500, and were sued together therefor by C. After commencement of the action A settled the claim between himself and C, paying C $400 and taking from C a release thereof in full under seal. B then, having learned of the fact, interposed a plea in C's action in his own behalf, of the settlement and release between A and C, and demanded judgment of dismissal of the complaint as against himself. Upon those facts existing, was or was not C entitled to prosecute his action to judgment against B? State the legal grounds of your answer.

12. Can a will be made without writing? If so, by what parties and in what circumstances?

13. A requests you to draw a will for him, devising certain real property to his son B for life, with a succeeding life estate therein to another son, C, and remainder to a niece, D. He wishes also to give a further remainder to another niece, E, to take effect in the event of D dying within some limited period of time subsequent to the testator's death. State whether you can prepare a valid will containing all the provisions named, and if so upon what, if any, conditions any of these estates should be expressed.

14. A makes his will, devising certain lands to his grandson X, who dies before the death of A, leaving two sons, his only descendants. What is the consequence of X's dying before A upon the disposition in A's will of the devised property?

15. A, being unmarried, owning a city house and lot, and no other estate, dies leaving a will directing that the property be sold by his executor and the proceeds distributed in the same manner as if he should die intestate. His only blood relations surviving him are B, a son of the testator's deceased brother X, and C, a grandson of the testator's deceased brother Y. What principle of law is involved in the construction of this will, and who will take the proceeds of sale of the house and lot?

16. A, an insolvent debtor, holding real estate, executes a voluntary deed of such property to B, his friend, who puts it on record; the object of the conveyance being to prevent A's creditors from appropriating the property. C, at the time of this deed being made, is a creditor at large of A, and he applies to you to take legal proceedings for applying said property, or any necessary part of it, to payment of his claim. State the steps, in order, that you will take, preliminary to commencing an action for the accomplishment of your purpose. Say nothing about supplementary examination or other means of obtaining evidence, but answer the question as it reads, definitely and briefly.

17. A died leaving a will, whereby he gave $100,000 in the form of government bonds to his executor in trust for the benefit of his daughter, B, for her life, adding these words: "with power to my said daughter, B, to give the said bonds by will or otherwise to any of my male descendants, and in such proportions as she may see fit." B survived her father. A at his death left, his only descendants besides B, three sons and five male children of these sons, surviving him, and all these sons and grandsons outlived B. B left no descendants, nor did she make any will, or any disposition of the bonds. After B's death the bonds were claimed by the three surviving sons of A, while each of the five grandsons claimed an eighth thereof, relying on the above clause in A's will. Define the legal character in the said clause in the will, and state its effect in the distribution of the $100,000 among the rival claimants.

18. A corporation, authorized by its charter to engage in the telegraph and telephone business *only,* entered into a written contract with the city of Troy to manufacture and furnish electric lights for

lighting the city, its streets, &c., for the term of five years, to commence three months thereafter. One month thereafter, the corporation repudiated the contract and notified the city that it should not perform. What, if any, remedy or remedies has the city for such breach of contract against the corporation? State your reasons.

19. The directors of a domestic corporation neglected to file an annual report as required by law. At the time when such report should have been filed, the corporation was owing B $1,000, which, however, was not then due and did not become due until fifteen months thereafter. At the next annual meeting of the stockholders of the corporation, the board of directors was entirely changed, and those failing to file the report as aforesaid passed out of office. Two months after its annual meeting, the corporation became insolvent, and B, whose debt had matured, brought action against all the former directors to recover his debt from them personally because of such failure to file a report. The directors defended upon two grounds. *First,* that B's debt was not due at the time of their default in filing such report. *Second,* that they were not directors at the time of suit brought and all liability against them terminated with their directorship. Judgment for whom?

20. X, a domestic corporation, gave to B its duly executed and authorized promissory note, indorsed by C for its accommodation, for $20,000, payable one year from date with interest at the rate of 12 per cent. for money loaned by B to it, X. The rate of interest specified had been formerly agreed upon between X and B. On the maturity of the note, it was dishonored for non-payment and C was duly notified as indorser, all in due course. Both the corporation and indorser refused to pay the note. B sues both maker and indorser and both defend, but answer separately and by different attorneys. The sole defense of both defendants is usury. State which, if either, of the defendants will succeed.

21. A and B were husband and wife respectively. B, on her own credit, contracted with C for apartments and board for herself and husband, at a given price. Under the agreement C furnished accommodations and board to A and B, and an indebtedness accrued thereby to the extent of $500, when A and B had a falling out and separated. Both A and B have independent fortunes of their own, and both now refuse to pay C's bill. Whom do you advise C to sue and why?

22. A gave his note to B for $5,000, in consideration of B's promise to marry him. The marriage was consummated and subsequently B asked payment of the note, it having matured, which A refused. B sues. A defends on the following grounds: want of consideration and as given on a contract against public policy. Judgment for whom?

23. A, the wife, brought an action against B, the husband, for a separation upon the ground of cruel and inhuman treatment. B defended. The action was tried and the plaintiff's cause of action was fully established and the court duly made its findings in her favor, but before the final decree was entered A died. C was A's attorney in the action, employed by and prosecuted the action for her. Can he maintain an action against B, the husband, for his services, or not? State your reasons.

24. During the trial of A on an indictment for grand larceny, one of the twelve jurors was taken sick and unable longer to sit. Whereupon A and his counsel, as well as the district attorney, signed a written stipulation and consent (which was filed with the Court), that the trial of the case continue with the remaining eleven jurors, which was done. The jury of eleven found a verdict of guilty, upon which verdict judgment was pronounced without dissent from A, or his counsel. A appeals from the judgment on the sole ground that he was convicted by a jury of eleven. State whether the judgment will be affirmed or reversed and on what theory.

25. A held an unpaid valid note against B for $1,000, which was barred by the statute of limitations, when the legislature passed an act abolishing the statute. A then sued B upon the note. B answered setting up the facts. A demurred to the answer. Judgment for whom, and what, if any, is B's constitutional claim?

PHILADELPHIA.

FINAL EXAMINATION FOR ADMISSION TO THE BAR OF PHILADELPHIA COUNTY—JUNE, 1901.

CONSTITUTIONAL LAW.

1. Name the United States courts, and briefly give the jurisdiction of each.

2. Can the exercise of the writ of *habeas corpus* be suspended, and under what circumstances?

PHILADELPHIA.

3. Is the act prohibiting the carrying of concealed weapons in violation of that provision of the bill of rights by which the right of citizens to bear arms in defense of themselves shall not be questioned? State in detail the reasons for the answer.

4. Has a criminal the right to be heard in his trial in person if he has counsel? Is there any difference in this respect between the Constitution of Pennsylvania and of the United States?

5. The Constitution provides that citizens of each State shall be entitled to all the privileges of those of the several States. Is there any limitation to this, and in what respect?

PENNSYLVANIA STATUTES.

1. (*a*) What is a writ of foreign attachment; when may it issue and against whom will it lie?
   (*b*) What is its effect, and from when is it binding?
2. (*a*) What is the effect of marriage or birth of children after the execution of a will?
   (*b*) What does the act of Assembly prescribe as to lapsed and void devises?
3. (*a*) If final judgment be rendered against the defendants in action upon an official bond, how is such judgment entered?
   (*b*) What is the effect of such judgment as to its being a lien upon the property of the defendants?
4. Under what circumstances may the Orphans' Court decree specific performance of written contracts of decedents to convey lands?
5. (*a*) State the provisions of the act of April 22d, 1856, in regard to declarations of trusts of any lands, tenements or hereditaments and all grants and assignments thereof.
   (*b*) State the exceptions to the provisions of the act.
6. (*a*) Describe the circumstances under which a mechanics' lien may be filed?
   (*b*) What is the duration of the lien?
   (*c*) What is the rule as to the priority of a mechanics' lien over an advance-money mortgage?
7. State the provisions of the laws of Pennsylvania in regard to the solemnization of marriage, and the duties of parents or guardians where one of the parties to the contract is a minor.

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8. (*a*) Under what circumstances will the grantee of real estate, which is subject to ground rent, or bound by mortgage or other incumbrance, be personally liable for the payment of such ground rent, mortgage or other incumbrance?
   (*b*) How is the right to enforce such personal liability restricted?
9. When may the courts decree an allowance for the maintenance and education of minors, notwithstanding a positive direction in the will to accumulate the rents, issues and profits for the benefit of the minor?
10. What five pleas of land are mentioned under actions real, and where are they to be commenced?

BLACKSTONE.

1. (*a*) How does Blackstone define municipal law?
   (*b*) How may the municipal law of England be divided, and what does each division include?
2. Into what three kinds is the common law of England distinguishable?
3. (*a*) Define custom, and state what the requisites are to make a particular custom good?
   (*b*) How may any custom be destroyed?
4. (*a*) How does Blackstone subdivide what he calls rights?
   (*b*) How are wrongs divisible?
   Answer fully.
5. Give in substance Blackstone's views on the origin of conveyances, wills and inheritances?
6. Define lands, tenements and hereditaments?
7. What is right of common, and what are the chief kinds?
8. (*a*) What is a right of way?
   (*b*) How does private right of way arise?
   (*c*) How may it arise by operation of law?
9. (*a*) What, according to Blackstone, is the origin of the constitution of feuds?
   (*b*) What were feuds?
   (*c*) What fundamental maxim of English tenures resulted from the reception in England of the feudal polity?

PHILADELPHIA.

10. (*a*) How was the feudal system affected by the charter of King Henry I.?
(*b*) What were the grantor and grantee of a feud respectively called?
(*c*) What was the manner of granting a feud?

PROPERTY.

1. What distinction, if any, exists between real estate and personal property as to bills for specific performance to compel the transfer of property under an agreement?

2. In what cases may specific performance be had in enforcing an agreement of sale of personal property?

3. What is a deed? State the requirements as to execution in this State?

4. What is the effect of a misnomer of the grantees in a deed?

5. Would a conveyance by a grantor to "the heirs of his son A," who was then living, be good? State the reasons for your answer.

6. What are the requirements in Pennsylvania as to the execution of wills?

7. What are the requisites to constitute a valid gift *inter vivos?*

8. A will was made by a woman before marriage, pursuant to the intended husband's verbal consent that she might dispose of her property by will, or otherwise, as she pleased; the ensuing marriage operated to revoke the will. What should be the *status* of the husband as regards the wife's property at her death?

9. A confessed judgment in favor of B, who issued execution thereon, and bought in a quantity of grain which he left with A, advertising in the public papers that "he had loaned it to A during his pleasure." The creditors of A levied upon the grain; what were their rights?

10. (*a*) State the rights of an unpaid vendor as to stoppage of goods *in transitu;* and
(*b*) The effect of an attachment of the goods before delivery by creditors of the consignee.

PHILADELPHIA.

CONTRACTS.

1. (*a*) Define a contract.
(*b*) In point of form into what three classes are contracts usually divided?
(*c*) What is a recognizance, and in which of the classes you have named above would you place it?
(*d*) What is an escrow?

2. Define—
(*a*) Sale or exchange.
(*b*) Bailment.
(*c*) Hiring or borrowing.
(*d*) Debt.

3. (*a*) State the three general grounds upon which contracts are illegal at common law.
(*b*) Give an example of each class, and state wherein the illegality exists.

4. A discounted the note of B on Sunday, in contravention of the act of 22d April, 1794, giving him a check to his order for the proceeds, which check B on Monday presented to bank and received payment. When the note falls due, A sues B. Can he recover either upon the note or for money had and received? State your reasons in support of your answer.

5. What is the nature of the contract as to liability between successive indorsers and indorsees of a negotiable note? Answer this question by giving in full the reasons for your answers to the two cases following:
(*a*) A, B and C, in succession, indorse a negotiable note. C sues A and B jointly in an action on the note. Can he recover?
(*a*) A and B, the payees of a negotiable note, indorse the same, C, the endorsee, sues B on the note. Can he recover?

6. B, railroad company, agreed to carry A to station X, but carried him two miles further, to station Y. A spent $4 for carriage hire to take him home; $10 for doctor's bill for cold contracted during the drive, and, by the delay, lost an opportunity of selling his five shares of Northern Pacific at a profit of $4,500. A sues B in *assumpsit;* what is the measure of damages?

PHILADELPHIA.

EQUITY.

1. How far has a court of equity power over property out of its jurisdiction by a decree *in personam?* Mention the great leading case upon the subject, and by whom decided?

2. How far does a court of equity recognize assignment of choses in action which were unassignable at common law?

3. Under what circumstances will a court of equity enjoin proceedings at law?

4. What is the *status* in equity of a purchaser for value without notice?

5. What is the equitable doctrine of marshaling assets?

6. What is the doctrine of equitable conversion?

7. What is the rule in equity with reference to *post obit* securities and catching bargains with heirs expectant and reversioners?

8. What is the distinction in equity between an executed and executory trust?

9. What was the equitable doctrine of tacking incumbrances? How far is it in force in Pennsylvania?

10. What are the respective functions of a demurrer, plea and answer in equity?

PLEADING.

1. Declaration, defective in form. Plea, good. Replication, defective in form. Rejoinder, bad in substance. Special demurrer. Judgment for whom, and why?

2. (*a*) What were the important rules at common law in reference to traverses?

(*b*) What restrictions were there on the use of the replication *de injuria?*

(*c*) What was a special traverse and its use?

3. Explain what was meant by "duplicity," "departure," "new assignment."

4. What were the principal actions at common law, the principles underlying each action, and how were they classified?

5. Explain in detail the operative effect of the Pennsylvania Practice act of 1887.

6. (*a*) What was the distinction at common law between a general and special demurrer, and the use of each?

PHILADELPHIA.

(*b*) How were pleas divided at common law?

(*c*) Explain the "general issue."

(*d*) When and for what causes could a motion in arrest of judgment prevail?

7. State the object of common law pleading, and the reasons underlying the same.

8. (*a*) State the rules at common law as to admissions by a demurrer.

(*b*) When at common law was judgment of *respondeat ouster* entered?

9. (*a*) What is the purpose and effect in Pennsylvania of an affidavit of defense?

(*b*) How may the plaintiff in Pennsylvania raise the question of the sufficiency of an affidavit of defense?

10. Explain the different mode of trials known to the common law.

PRACTICE.

1. Describe the proceedings when personal property, levied upon by the sheriff, is claimed by another person than the defendant, from the notice of the claim to final judgment in the Common Pleas.

2. When attachment execution has been issued, describe the proceedings to entry of final judgment in the Common Pleas (*a*) upon answer of the garnishee, (*b*) upon verdict of a jury.

3. In what cases will replevin lie?

4. In proceedings in divorce, at what stage of the proceedings can a jury trial be demanded? What must be done in divorce to obtain a trial by jury by the party desiring such trial?

5. What is required to make a good service of (1) a writ of summons; (2) of a writ of foreign attachment in a case where the sheriff is directed to attach money due by a corporation to the defendant?

6. What is the general issue in (1) *assumpsit;* (2) trespass; (3) ejectment?

7. State in what cases the writ of *levari facias* is issued.

8. State the proceedings upon an assignment for benefit of creditors from making the deed to distribution of the estate in a case in which appeal is not taken.

PHILADELPHIA.

EVIDENCE.

1. State generally the rules of evidence applying to the admissibility and effect of judgments (1) obtained in this State; (2) obtained in other States of the United States; (3) obtained in foreign countries.

2. In what ways may such records and judgments be proven?

3. What is the rule as to the admissibility of the plaintiff's books of original entry in Pennsylvania? What characteristics must such books possess? What, in your opinion, is the reason for the rule?

4. B is indicted for the murder of X, and at the trial the following evidence was offered: (*a*) the Commonwealth offers in evidence a letter of C, written before the murder, to a person not connected with the trial, in which C states that he and B have arranged to murder X, and names the date on which the murder is to take place, to be followed by proof that the murder did take place upon the day named. (*b*) The Commonwealth offers a telegram received by X, making an appointment to meet him at the place where and the time when the murder took place, purporting to be signed by B. (*c*) Counsel for the defense offers the prisoner as a witness on his own behalf, the Commonwealth objects and shows the properly certified record of his conviction for perjury ten years before. (*d*) Prisoner's counsel offers to prove (1) by the physician, and (2) by the clergyman who attended C [see clause "*a*" above] in his last illness that C had stated to them upon his deathbed that he, C, had killed X, and that B had had nothing to do with it. Rule upon these offers and objections and give your reasons fully.

5. What are depositions, commissions, letters rogatory? How can the attendance of witnesses be enforced?

CRIMES AND TORTS.

1. (*a*) Define arson, treason, burglary.
   (*b*) What is meant by "proof beyond a reasonable doubt?"
   (*c*) Can the defendant in an action of slander in Pennsylvania be arrested; if so, in what manner?
2. (*a*) What are the necessary elements of "after-discovered testimony," in order to make it sufficient ground for a new trial, in a criminal case?

   (*b*) Under what circumstances will a demand for a bill of particulars, in support of an indictment, be granted?

3. Where material representations are made by an agent, within the general scope of his authority, which he believes to be true, and the principal knows the contrary to be true, but has not authorized the representations; can a party damaged successfully maintain an action against the principal? Give reasons for answer.

4. (*a*) Can the prosecutor in a case of obtaining money by false pretenses or representations, settle the same, after the institution of a criminal proceeding?
   (*b*) Is a promissory note given to the prosecutor to settle such an offense, and in consideration of the abandonment of a criminal prosecution begun thereon, founded upon a valid consideration?
   (*c*) Is an agreement in consideration of stifling or compounding a criminal prosecution or proceeding for a felony or a misdemeanor of a public nature capable of enforcement?
5. (*a*) What are the essential elements in an indictment charging the defendant with conspiracy to abduct a child?
   (*b*) Can a married woman in Pennsylvania testify, on the trial of an indictment against her husband and another, for conspiracy, in which she is the prosecutrix?

MASSACHUSETTS.

MASSACHUSETTS BAR EXAMINATION, JULY 2D, 1901, 9:30 A. M. TO 12:30 P. M.

MORNING PAPER.

READ these directions and FOLLOW them.

Number your answers consecutively. Begin each answer at the top of a right-hand page. All questions are to be answered with reference to Massachusetts law. Expression, grammar, penmanship and punctuation will be considered. The questions upon this paper can be answered with sufficient fullness in fifteen pages or less.

In all cases give briefly the reasons for your answers.

Answers consisting of a single word, as "yes" or "no," will not be considered.

1. (*a*) Define slander.
   (*b*) Define libel.
   (*c*) State possible defenses in a suit for libel.

2. Brown & Company were manufacturers having a factory in Cambridge and employing fifty persons, all members of a labor union. Brown & Company employed two non-union men, whereupon all the members of the labor union, without warning or notice, left in a body. Brown & Company thereupon endeavored to employ other men to fill the places of the strikers. The strikers held meetings and selected leaders, and by direction of these leaders some of the strikers stationed themselves as pickets near the factory and intercepted men who were on their way to the factory to seek employment. These pickets sought by persuasion to keep such men from seeking employment at the factory, and in some instances they sought to intimidate them, and threatened violence to them. They acted in a similar way in regard to men who had commenced working at the factory, hoping thereby to prevent such men from continuing their employment. (*a*) Were these pickets liable civilly to Brown & Company? (*b*) Were they liable criminally?

3. (*a*) Define criminal assault.
   (*b*) Define manslaughter.
   (*c*) Define criminal intent.

4. (*a*) A gave to B what appeared to be ordinary candy. A knew that it contained a foreign substance which would have some serious effect on B, but was ignorant as to what the substance was and did not know that it was deleterious to health. B ate the candy was made ill and suffered much pain. Was A guilty of any criminal offense?

   (*b*) A, living in Cambridge, being troubled by boys ringing his front door-bell in the evening, went to the door and fired a loaded pistol into the street intending to frighten the boys and not intending to injure anyone. B, who was walking on the sidewalk of the street some distance away, was hit by the bullet and died from the effects of it. Was A criminally liable for B's death?

5. In 1838 the Legislature of New York passed an Insolvent law, containing provision making all debts contracted after 1832 provable,

and providing that the debtor's discharge under such Insolvent law should release him from all provable claims. Brown went into insolvency in 1839, in New York, under said law, and obtained his discharge. Jones having a claim contracted in 1836, did not prove the same, and in 1840 sued Brown upon said claim. Brown pleaded his discharge in insolvency as a bar. Jones claimed that under the United States Constitution the discharge could not be a bar to his claim. Was the discharge in insolvency a bar?

6. Jones contracted to do certain work for Smith for $300, payable on completion of the contract. He then assigned all money to come due to him under this contract to Brown. Smith accepted this assignment. When the work was half completed, Jones notified Smith that he would not go on with it, on account of his financial circumstances, and did no more work under the contract. Brown sued Smith on his acceptance, and on a *quantum meruit*. What should be the verdict on each count?

7. A, by fraudulent representations, induced B to sell him goods on credit. A sold part of the goods to C, a *bona fide* purchaser, for value. The remainder of the goods while in A's possession were attached by D, a deputy sheriff, on a suit brought by E, a creditor of A. B, learning of the fraud, replevied from C the goods bought by him of A, and from D, the goods attached by him. What should be the verdict in each case?

8. Anna, having a claim against the Boston and Maine Railroad for personal injuries, employs Edward, an attorney-at-law, to collect it. Edward brings suit. Before trial Edward agrees with the attorney for the railroad to settle the suit for $1,000, and, with the attorney for the railroad, signs an agreement for the entry of judgment for the plaintiff for $1,000, without costs, and judgment satisfied. This agreement is filed in court, judgment entered upon it, and $1,000 paid to Edward. Anna had instructed Edward not to settle for $1,000. When informed of the transaction what can Anna do about it?

9. Are the following, or either of them, negotiable instruments?

   (*a*) $100. Boston, Mass., 1st July, 1901.

   We authorize you to pay to John Jones, or order, one hundred dollars.

   To the Merchants National Bank.

   (Signed) Smith and Brackett.

(*b*) $100. Boston, Mass., 1st July, 1901.

I O U $100, to be paid on the 20th inst.

(Signed) Thomas Jones.

10. William orally promised to pay Catharine $3,000 if she would convey to him certain real estate. Catharine gave William a deed of the real estate. He did not pay her, but immediately sold it to a *bona fide* purchaser for value. What remedy, if any, has Catharine against William?

11. Thomas and Samuel made a written agreement whereby Thomas was to sell and Samuel to buy a piece of real estate for $10,000, the deed to be delivered and money paid within thirty days. Two days after the agreement Thomas conveyed the property to a third person, and notified Samuel that he would not carry out his agreement. Thereupon, Samuel sued Thomas for breach of contract. Can Samuel recover?

12. A bought a horse of B. The contract of sale contained a warranty that the horse had hunted with the Bicester hounds, and provided that A might return it within three days if not as warranted. The horse had not in fact hunted with the Bicester hounds. Within the three days the horse was seriously injured, diminishing its value, but through no fault on the part of A. A returned the horse within three days, and sued to recover the price he had paid for it. Can he recover?

13. In the year 1895, Edward Harris, then nineteen years of age, and expecting to receive about a hundred thousand dollars on reaching his majority, entered into a contract in writing, under seal, with Thomas Fuller, by which Harris agreed to buy, and Fuller to sell, at the expiration of four years, a certain dwelling-house for the sum of $10,000. At the expiration of the four years Harris refused to carry out the contract, and being threatened by Fuller with a suit at law to recover damages for breach of the contract, Harris brought a bill in equity seeking to have Fuller enjoined from the prosecution of such a suit on the ground that the contract was void as against Harris by reason of his infancy at the time of its being made. Would Harris be entitled to the relief prayed for?

14. Bill in equity to enforce the specific performance of a written contract for the conveyance of real estate in Salem. There was no personal service in this State of the subpœna upon the defendant, who was not in this State when the bill was filed, but by order of the

court a copy of the bill was given in hand to the defendant in the State of New Hampshire, where he was and still is an inhabitant. Is there any way in which the defendant may avoid a decree against him other than by coming to Massachusetts and defending the case upon its merits?

15. Before and in contemplation of marriage, a woman conveyed certain property belonging to her to a trustee, in trust, to pay her the income during coverture, "to her sole and separate use, free from any marital claim or the control or interference of her husband, and not by way of anticipation or in compliance with any assignment." A creditor, whose claim accrued subsequently to the marriage, seeks to enforce his claim as against the income of such trust fund. What are the rights of the respective parties?

Massachusetts Bar Examination—July 2, 1901, 2:00 to 5:00 P. M.

AFTERNOON PAPER.

READ these directions and FOLLOW them.

Number your answers consecutively. Begin each answer at the top of a right-hand page. All questions are to be answered with reference to Massachusetts law. Expression, grammar, penmanship and punctuation will be considered. The questions upon this paper can be answered with sufficient fullness in fifteen pages or less.

In all cases give briefly the reasons for your answers.

Answers consisting of a single word, as "yes" or "no," will not be considered.

1. Mason and Parker made an agreement in writing, under seal, whereby Mason agreed to sell and Parker agreed to buy a "certain lot of land, being lot numbered 27" on a certain plan, for the sum of $1,000. The plan showed a large number of lots, with the length of their boundary lines designated and the number of square feet contained in each, marked in plain figures, lot 27 being marked as containing 3,560 square feet. In fact, the lot contained 8,560 square feet. Before the making of the contract Parker noticed the size of the lot on the plan, as compared with the other lots, and knew that it contained more than 3,560 square feet, but Mason did not notice the error, and thought that the contents of the lot were as marked

on the plan. Mason refused to give a deed. Thereafter Parker brought a bill in equity against Mason to compel specific performance of the contract, and Mason brought a bill in equity against Parker, seeking to have the contract reformed so as to include only 3,560 square feet of land, or to have the contract set aside. What decrees were the parties entitled to in the two bills?

2. By the will of James Lewis, which will was probated in June, 1872, a specific legacy of $1,000 was given to Richard Warren. In July, 1872, the executor under the will gave due notice of his appointment, and assets sufficient for the payment of all the debts of the estate and for all devises and legacies under the will came into his hands. In October, 1894, the executor died not having paid the legacy to Warren and no demand for same having been made on him therefor, though Warren knew of the terms of the will at the time of its probate. In February, 1895, an administrator *de bonis non* with the will annexed was appointed, who received the estate remaining, the same being sufficient for the payment of all claims against it. In April, 1896, Warren demanded payment of the legacy to him, and immediate payment being refused, in May, 1896, he brought an action of contract against the administrator *de bonis non* with the will annexed to recover the legacy. Can the action be maintained?

3. In an action of contract against a savings bank in Boston to recover the amount of a deposit therein, it appeared that the deposit was made by the plaintiff, who then resided in Boston, and that shortly thereafter he left home and did not return and was not heard from for the space of twelve years. About six months before the expiration of such twelve years the judge of probate, upon petition, granted administration on his estate, as of a person having died intestate in another State or country, and leaving estate to be here administered upon, and upon the granting of the letter of administration, the savings bank paid over the amount of the deposit to the person named as administrator. Is the bank liable to the plaintiff in the present action?

4. A gives a deed of land, running "to the heirs of B," B being then alive and having children. Is the deed good?

5. State and illustrate the distinction between an exception and a reservation in a grant of land.

6. Is the following proof sufficient for the allowance of a will:

The instrument was entirely in the handwriting of the testator, but was written on several separate pieces of paper, the several pieces being connected in their provisions and forming a connected series; there was no attestation clause. The witness, whose name came first, testified that the testator "handed me a package of papers; asked me to sign my name as a witness; told me where to sign, on the left side." The person whose name was last, testified: "He said he wanted me to witness a document; that he had been making a little disposition of his effects and would like to have me sign it as a witness. He put his finger on the line where he wished me to sign." The third witness was out of the jurisdiction of the court, and the genuineness of his signature was proved.

7. Is there any legal disability which prevents the allowance of a duly-executed will made by any of the following parties if all the other elements for the allowance of such will exist?

(*a*) Of a minor twenty years of age, with no parents living, who has an estate in his own right;

(*b*) Of one who is receiving his entire support, as a pauper, from the State;

(*c*) Of a married woman, whose husband refuses his consent to her executing a will at the time of its execution;

(*d*) Of a convict under life sentence in the State Prison;

(*e*) Of one who is under guardianship as *non compos*.

8. What is the rule as to the authority of the treasurer of a corporation to sign a promissory note which shall bind the corporation, when no such authority is in its by-laws nor has been expressly given by a vote of its directors or proper officers or stockholders?

9. A carload of grain shipped upon and transported by the defendant, a railroad company, was destroyed by fire while temporarily in the elevator of the defendant, as a warehouseman. The fire was due to negligence of the defendant's servants. It was stipulated in the bill of lading that the railroad company should not be liable for any loss or damage by fire from any cause. What was the degree of care required of the defendant, and what was the effect of the stipulation?

10. At the trial of a libel for divorce for desertion, it appeared that the wife had left her home and gone to a hotel; that the husband visited her at the hotel and saw her there alone. He was asked as a

witness if, while at the hotel, he asked her to return home, to which he replied that he did. The question and answer were admitted under the objection and exception of the wife. Should the exception be sustained?

11. An indictment charges A and B with adultery, alleging that B is a married woman. They are tried together, and the only evidence offered by the government in support of the allegation that B is married, is the testimony of an officer that she said to him after her arrest, but not in the presence of A, that she was married. Is the evidence competent against either or both?

12. In an action upon the joint note of A and B, A alone is sued. What objections, if any, are open to him? If both are sued, and judgment and execution are obtained against both, can the execution be enforced in full out of the property of either one; and if so, what remedy, if any, has the one paying it against the other?

13. What is a demurrer, and what is the effect upon an action (*a*) when a demurrer to the declaration is sustained, (*b*) when it is overruled?

14. How are estates of freehold recovered in Massachusetts? What are the parties to the action called? What plea puts in issue the whole title?

15. What is an offer of judgment?

What is the difference between a declaration in set-off and recoupment?

APPENDIX VIII.

FEES RECEIVED BY THE STATE FROM ATTORNEYS AND COUNSELLORS FOR LICENSES TO PRACTICE DURING THE TEN YEARS, 1891 TO 1900.

Years.	Attorneys' Fees.	Counsellors' Fees.	Total.
1891	$616	$312	$928
1892	896	546	1,442
1893	1,022	392	1,414
1894	1,022	602	1,624
1895	1,442	840	2,282
1896	1,610	504	2,114
1897	1,596	560	2,156
1898	1,456	630	2,086
1899	1,820	630	2,450
1900	2,184	882	3,066
	$13,664	$5,898	$19,562

APPENDIX IX.

NUMBER OF PERSONS ADMITTED TO PRACTICE AS ATTORNEYS AND COUNSELLORS DURING THE TWENTY-ONE YEARS, 1880-1900.[21]

Years.	Attorneys.		Counsellors.	
1880	81		44	
1881	92		54	
1882	101		31	
1883	44		31	
1884	55		44	
	—	373		
1885	42		38	
1886	49		28	
1887	36		25	
1888	42		26	
1889	46		30	
1890	37		24	
	—	252	—	375
	—	625		
1891	44		23	
1892	64		39	
1893	73		28	
1894	73		43	
1895	103		60	
	—	357		
1896	115		36	
1897	114		40	
1898	104		45	
1899	130		45	
1900	156		63	
	—	619	—	422
	—	976		
				797 Total

1601 Total.

[21] The number of persons admitted, 1870-1879, was as follows:

Years.	Attorneys.	Counsellors.
1870	41	20
1871	42	35
1872	41	26
1873	70	25
1874	61	22
1875	81	30
1876	81	47
1877	83	34
1878	73	42
1879	92	45
	— 665	— 326
Totals from above	1601	797
Totals for 31 years	2266	1123

APPENDIX X.

LETTER TO THE COMMITTEE ON EDUCATION OF THE STATE BOARD OF EDUCATION AND RESOLUTION OF THAT COMMITTEE.

Jersey City, N. J., October 18th, 1901.

Francis Scott, Esq., Chairman of the Committee on Education, State Board of Education, Paterson, N. J.:

DEAR SIR—The Supreme Court appointed a committee, consisting of Messrs. D. J. Pancoast, C. H. Beasley, E. Q. Keasbey and myself, to consider and report to it upon the subject of improving the methods of examination of candidates for the bar.

Our committee think that there should be some test of the general educational qualifications of such of these candidates as have not had a high school education or its equivalent. In conversations which I have had with the Assistant State Superintendent of Education and with Judge Crouse, a member of your board, I have understood that the members of your committee had informally discussed this matter at the request of our committee, and that they considered such plans as I mention below feasible; that they thought either plan could be adopted without expense and without much additional work to the school officers, and that the board and the school officers would be willing to co-operate in establishing some such plan.

Let examination questions be prepared by the State Superintendent of Education of such general character as would be required for examinations for graduation (if such were held) in the high schools of the State. Such questions to be submitted to the State Board of Bar Examiners for approval. An examination then to be held upon these questions by such of the school officers as the Board of Education may designate, either—

1. At the times and places at which the present county examinations are held for teachers in the public schools; or

2. At four or five of the principal cities of the State (for example, Jersey City, Newark, Trenton, Camden, Atlantic City).

The papers and answers, after being marked by the examiners who conduct the examinations, to be returned to the State Superintendent,

who may revise the markings and announce the result of the examinations to the persons examined.

The number of persons admitted to the bar in the whole State during the year 1900 was 156. A large proportion of these had a high school education or its equivalent; it is not probable, therefore, that the number of persons yearly applying for such examinations would be large.

We would like to report that the members of your committee have informally approved of such a plan as I have mentioned. Can you let me know if you understand that to be a fact. We would like to attach this letter and your reply to our report to the Supreme Court.

Yours very truly,

CHARLES H. HARTSHORNE.

In response to this letter, the Committee on Education adopted the following resolution:

Application having been made to the Committee on Education of the State Board of Education by the committee appointed by the Supreme Court respecting bar examinations, it is

Resolved, That the Committee on Education co-operate with the Superintendent of Public Instruction and with the Bar Examiners in conducting the examinations touching the educational qualifications of such applicants for admission to the New Jersey bar as may not have acquired a high school education or its equivalent; and that such examinations be held upon such subjects as may be determined by the Bar Examiners, and in such manner and according to such rules and regulations as may be formulated by the Bar Examiners and the State Board of Education.

Dated October 28th, 1901.

APPENDIX XI.

The committee suggests that the rules of court be so amended as to embrace in substance the following provisions:

Substitute for Rule 3 a rule containing the following provisions:

3. No person shall be admitted to examination for license as an attorney unless he first produce to the Board of Bar Examiners, in the manner prescribed by its rules, satisfactory evidence—

(*a*) Of good moral character;

(*b*) That two months prior to taking his bar examination he—

(1) Posted in the office of the clerk of the Supreme Court a notice of his intention to apply for admission to the bar; and.

(2) Posted a similar notice in the clerk's office of the Circuit Court of the county in which he studied law, or in which he resides; and,

(3) Gave a similar notice to the bar association (if there be one) in the county in which he has posted such notice.

(*c*) That he has served a regular clerkship with some practicing attorney of this State for three years, or that he has graduated from a law school of established reputation after a regular attendance therein for three school years, or that the period of clerkship and the period of attendance at such a law school together equal the period of three years.

(*d*) (If the applicant be not a graduate of a law school as mentioned in section (*c*), then) that the attorney with whom he began his clerkship filed in the office of the clerk of the Supreme Court a certificate that such clerkship had begun; and the clerkship shall be deemed to begin at the date of such filing. But this section shall not apply to persons whose clerkship shall have begun before this rule takes effect.

This section and section (*c*) of this rule shall not apply to attorneys from other States, nor to the persons mentioned in Rule 5.

(*e*) That at least three years before taking his bar examination he had either—

(1) Graduated from a college, university or other institution of learning of similar rank, approved by the Board of Bar Examiners; or

(2) Graduated from any high school of this State or any other State, approved by the Board of Bar Examiners; or

(3) Graduated from any private school or academy approved by the Board of Bar Examiners, or;

That at least two years before taking his bar examination he had passed a preliminary examination (equal to an examination for graduation in a high school of this State) to be held by the officers of the public schools, or as otherwise ordered by the court. The time, place and character of such examination to be such as the State Board of Education may determine, with the concurrence of the Board of Bar Examiners.

But the preliminary examination shall not be required of any person taking the bar examination before the expiration of two terms of this court after these rules are adopted. And persons taking the bar examination prior to January 1st, 1904, may take the preliminary examination at any time before taking the bar examination.

Amend Rule 4 by reducing from four to three years the period of time that attorneys from other States must have studied and practiced there before taking the bar examination here; and by requiring them to conform to Rule 3 except sections (*c*) and (*d*), and except that such attorneys may take the preliminary examination mentioned in paragraph 3, section (*e*) at any time before taking the bar examination.

Amend Rule 5 in such a manner as to require persons entitled to be admitted under the "Five Counsellors" act (P. L. 1882, p. 22) to conform to Rule 3 except sections (*c*) and (*d*) and except that such persons may take the preliminary examination mentioned in paragraph 3, section (*e*) at any time before taking the bar examination.

Substitute for Rule 7 a rule containing the following provisions:

7. SECTION 1. The examinations for attorneys and counsellors shall be conducted by a board of examiners consisting of five (or three) counsellors of this court, to hold office for five (or three) years, except that four (or two) of the members first appointed shall hold for one, two, three and four (or one and two) years respectively; but subject at all times to removal in the discretion of the court.

SECTION 2. The examinations shall be written, but the board, in its discretion, may use supplementary oral examinations, either of the whole class or of individuals. Examinations in the presence of the court shall be discontinued.

SECTION 3. The examination papers shall be so identified that the names of the candidates examined cannot be known to the examiners before they have announced the result of the examinations.

SECTION 4. The times and places of the examinations shall be fixed by the board, subject to the approval of the court.

SECTION 5. The board shall report to the court, with their recommendations, the names of those candidates whose qualifications accord with these rules and who shall have passed the examinations successfully.

SECTION 6. The board shall make public the topics and books upon which applicants will be examined, and from time to time shall make public such suggestions for the information and guidance of students as the board may think will tend to promote their studies.

SECTION 7. The board may make rules regulating their procedure, subject to the approval of the court.