

The constantly higher standards of the law profession in Oklahoma are due in the main to Julien C. Monnet, dean of the school of law, who exercises a far-reaching influence in the state such as few faculty members have. Dean Monnet was acting president of the university in the school year of 1911, steering the university through the critical period following the resignation of President Evans and the appointment of President Brooks. Dean Monnet is a true Sooner, his two sons (famous in Sooner tennis history) and his daughter being alumni of the university. The article which follows was a radio address over WNAD recently

The province of the law

BY JULIEN C. MONNET



THE law which lawyers help to administer is a system of principles and rules for the regulation of the conduct and relations of men to each other and to the community and the state. These rules and principles form a developing system which adapts itself to the changing needs of men and the changing institutions of society. This system of rules is applied and worked out through the efforts of lawyers and judges in the decision of controversies between men, by jurists in treaties and books, and is supplemented by enactments of legislative bodies which in turn are subjected to interpretations by courts which will relate them harmoniously to the whole body of the law. The purpose of this system is to furnish rules for the settlement of all controversies in order that they may not be dependent for their solution upon the caprice of the judge in the particular case.

A student seeking to enter the practice of law as a vocation should have distinct ability in close analytical reasoning, a critical habit of mind impelling him to weigh evidence and avoid hasty conclusions, a wide range of intellectual interests and of human contacts, and a capacity for sticking to a hard intellectual task until it is not merely done, but artistically completed. Most of a lawyer's work is of a routine sort which calls on him for unwearied patience, persistence and careful attention to detail. Another large part of a lawyer's work consists in the giving counsel on business and personal matters of complexity and delicacy. This calls for impartiality and tact, a sound judgment and strong confidence in one's informed conclusions when they have once been reached.

Finally, a lawyer when he appears in court in the trial of a case must be able to make not merely accurate but prompt judgment both of human nature and of the significance of evidence. In the presentation of his argument before the judges or a jury he must have the command of English and the forensic skill which will enable him to maintain his cause so as to convince his hearers as against an opposing advocate. In brief the lawyer's work combines the tasks of a student, a business counselor, and a forensic advocate. But, as the late Justice Brewer of the United States Supreme Court has well written, "the true lawyer is a peacemaker, a counselor, rather than an advocate."

He must have the indispensable characteristic of integrity. The nature of the lawyer's calling exposes him to temptations of peculiar subtlety and force. No person who mistrusts his own moral strength or intellectual honesty should seek to enter the practice of law.

The field of law is so wide that a very large amount of specialization is found within it. Practicing lawyers are either general practitioners or follow some specialty—such as criminal law, oil and gas law, corporation law, damage suit law, or real estate law, suretyship, etc. Still greater specializing produces the admiralty lawyer or the patent lawyer, etc. The general practice of law leads, however, to a wide variety of other allied vocations, within the general field. Lawyers, for example, fill the positions of judge, police magistrate, prosecuting attorney, public defender, master in chancery, judge advocate, officer in municipal, state, or federal service, teacher of

law, and legislative reference bureau official.

All of these opportunities are open to women as well as men, but at present women are most likely to find that legal education will open to them the fields of office practice, and such occupations as legal secretary, or assistant to a judge, legal adviser to a social agency, or legal worker for such agency (for example, a legal aid society).

Legal training is moreover in great demand as a qualification for numerous business positions such as are available, for example, in investment banking and in the profession of accountancy. It has always been regarded as excellent preparation for many positions in the government service, especially in the fields of administration and diplomacy. Candidates for positions in the consular and diplomatic service are required to pass examinations in international and commercial law. The law is the most widely used avenue into political life and much important political service is rendered by the lawyers who still make the practice of law their principal vocation.

The number of positions open at a given time in the practice of law depends very closely upon the commercial and industrial activities of the community. In periods of expanding activity, the need for legal advice and guidance develops at an equal rate.

The legal profession has long been a very much crowded one. The average income of the American lawyer is low, and every year large numbers of men who have been admitted to the bar abandon the practice of law as a means of making a livelihood. The large number

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ANIMAL PSYCHOLOGY

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the right or left by a door. He then crosses to the opposite side, where he must choose his own response in terms of the direction he was forced to go in the cue compartment. There is no sign here to indicate which direction to take.

Approximately one hundred rats have completed the problem to date. The results show that some rats can learn the problem while others can not. Some learn it with ease while others find it extremely difficult. The results justify the inference that learning is primarily a muscular function, that is, in this problem the rat gets a directional orientation as it makes the lateral excursion to the right or to the left through the cue compartment and responds in terms of this muscular set-up at the crucial points in the response compartment on the opposite side.

The argument supporting this assumption is many fold. The introduction of any condition which is calculated to disrupt this muscular pattern, such as distractions and emotional disturbances due to extraneous noise or electric shock which cause the rat to stop or hesitate while running, will reduce the scores very materially.

Thus the rat can respond to the representation of stimulus factors which are not present at the time of the response. It perhaps represents the genesis of symbolism exhibited by human subjects in such processes as ideation, imagination and reasoning.



THE PROVINCE OF THE LAW

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of able men whom the vocation attracts makes competition extremely keen. Success is coming more and more to be possible only to the person who combines with special personal qualifications, a competent educational preparation. In general it may be said that while the profession offers very large financial rewards to a successful few, these prizes are keenly contended for and are the rewards only of exceptional ability backed by competent training.

The largest rewards by way of income are given to lawyers who become legal advisers of large business enterprises. But the greatest rewards in a more immediate sense are found in the pursuit of the profession conceived as a form of public service. The opportunities of a lawyer to assist in the development of a better social order have always been, and will increasingly be, his greatest reward. No field of public service offers a wider range of opportunities to men of different talents and tastes.

I am often asked for preliminary ad-

vice by persons contemplating the study of the law. The question is, does this closely crowded, highly difficult profession offer possible rewards sufficient to constitute an inducement to tempt ambitious young men to seek to obtain the fruits of legal professional success? To answer this question it is first necessary to postulate the possession of a proper ideal and unless he is willing to work toward the end of making himself a high class, honorable and ethical lawyer he had better stop on the threshold and not enter at all into this difficult field.

My advice to such a person is study yourself carefully and take an inventory of your qualities. Make a catalog of your talents before deciding. Are you physically fit? Do you have vigorous health? Are you capable of enduring great nervous strain? Are you reasonably free from bilious and nervous breakdowns that often attend on the trial of long and difficult cases. Is your eyesight good and can it endure the immense amount of reading required in the profession? Is your voice attractive? Does it have power? Does it carry conviction? Are you mentally quick and acute or are you slow and labored. The legal profession has no place for you unless your mentality is vigorous, your intellectual perception keen, your power of analysis of a situation more than usual. Are you capable of concentrating upon difficult problems hour after hour and far into the night? It is necessary that the successful candidate should be a man inured to labor, and one who expects to attain success not by genius but by industry.

The temper of a lawyer is an enormous factor in his success. It must be under control. Nothing is more disastrous than to let it escape. Whom the gods wish to destroy they first make mad applies more completely perhaps to the trial lawyer than to any other professional man. The gift of expression, of smooth, attractive, convincing speech is a great asset to the lawyer. Not that it is necessary to be born with the "gift of gab," rather is it necessary for one through many years to cultivate his vocabulary and the habit of thinking upon his feet and expressing himself in exact, clear terms. I have known many young men who had no special gift of speech who became through earnest and persistent practice skillful and magnetic public speakers. In this connection the main point is to know your case and know your thought. If you have no cloudiness in your thinking, no cobwebs in your brain, but on the other hand are full of your case, enthusiastically determined to try it right, then with a good vocabulary and education and reasonable preliminary practice in public

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tennis player in the District of Columbia and semi-finalist in the district tournament in the summer of 1932.

1932

Elizabeth Shoup, '32Ed.M., 801 East State boulevard, Fort Wayne, Indiana, is doing mental testing in the state school for mental defectives.

Phillip B. Klein, '32eng., a flying cadet at Randolph Field at San Antonio, Texas, made a safe parachute jump March 21 when the plane he was flying went out of control in a practice flight.

Mr. Klein described his experience in a letter to his parents, Mr and Mrs E. E. Klein of Oklahoma City. The account, taken from *The Daily Oklahoman*, follows:

I was up 7,000 feet practicing acrobatics in a P-12. It was my first time in this type of ship. The air was full of dust up to about 11,000 feet and the horizon was obscure so that the pilot's sole reference point was lacking.

I had been doing everything I could think of, but had a little difficulty making the ship snap roll as fast as necessary for the proper execution of that stunt. I had been trying the snap rolls at 120 miles an hour, which I figured was a little fast, so I tried one at ninety miles an hour and I went over so fast that I went a half roll too far and stopped rolling on my back.

Not being able to see the horizon distinctly, I could not tell exactly what the altitude was and all at once I stalled the ship and fell into an inverted spin, in which I was on the underside of the ship, with the wheels pointed skyward.

It was the first outside spin I ever was in and it happened in a plane which cannot possibly be stopped once it turns three times. I knew what to do to get an ordinary ship out of such a spin, but this ship had the peculiar characteristic I mentioned above so all I could do was try everything I could think of.

Down I went, somehow keeping calm, working the controls and throttle to no avail, to about 2,500 feet. There I kissed it goodbye, because if nothing could be done in 5,000 feet, I knew there'd be no chance further down.

Anyway I was so dizzy from the rapid spinning characteristic of a flat spin that if I succeeded in getting the spinning stopped, I probably could not have kept it under control from then on.

So I reached down and flipped my safety belt and the intense centrifugal force catapulted me 100 feet or more from the ship before I realized I was out. I didn't instinctively reach for the ripcord, but first glanced down to find it and then very easily reached it and gave it a slight pull. From then on I was suspended from a canopy of silk and dropping about ten feet a second.

I looked at my ship and it was spinning madly at full throttle to the ground. In a few seconds it crashed, but did not burn.

It was a very good ship and not a crate in any sense of the word, and I hated to see it crash, but I figured I was ahead anyway, since I was safe in the air.

I then took a survey of the ground below me and of all the mesquite you ever saw! I started immediately to slip my chute into a ploughed field by pulling the shroud lines and succeeded amazingly well for having had so little experience, seems to me.

Well, I landed about as hard as you would if you jumped off the front porch roof, but the ground was soft as a sand pile and I hardly hit my body when I landed. Then a puff of wind filled my chute and dragged me about ten feet before I could collapse the chute.

When I landed I still had the ripcord in my hand, which I can't explain. I am going to have it nickel-plated.

I have since been given the little pilot chute which opens the big chute, presented with the insigna of my ship, two flight camps and a golden catapillar. My picture also has joined

forty others on a big panel here. They are pictures of cadets who jumped while stationed here, Colonel Lindbergh's being among them.

At first I thought my experience would break my nerve, but it hasn't in the least and except for a restless night, I'm as good as ever. The succeeding three days in the air have been my best since arriving at Kelly and, strange as it may seem, I feel as safe and secure in the air as before my "tea party."

1933

Robert Adams, '32ex, is now employed in the firm of Adams and Leonard, Realtors on the Twenty-second floor of the Exchange Bank building, Tulsa.

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THE PROVINCE OF THE LAW

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speaking you will have no trouble in this respect.

Do you possess mental poise and balance and a faculty and ability to weigh sudden situations without being stampeded by your opponent's springing sensational attacks?

To the young lawyer just starting into his profession, patience and optimism are prime necessities. It is hard to wait for business when perhaps one has a growing family for whom he must provide. A lack of patience plus the spur of such necessity has driven many a young lawyer out of the paths of professional and ethical conduct into transactions of doubtful morality and unprofessional flavor.

Do you know the difference between the logic of the law and moral philosophy? Fortunately or unfortunately it is not necessarily the same as the more or less changing and uncertain standard of human morality. Neither does the law necessarily represent cold logic. The law is indeed "logic tempered with expediency." It represents the growth of the human mind through all the centuries of its history in grouping and grasping for rules of society that will make men live in peace and happiness with their neighbors, allowing all to enjoy the benefit of their personal possessions, their personal rights and liberties and at the same time giving them protection from the encroachment of others.

In the present age the successful lawyer must be a successful business man. That is, he must understand the rules and elements of business and must have the power to apply his mind quickly to new business situations so that he will understand the situation of his client and his client's opponent in all the ramifications of their various contentions which generally have to do, at least in the larger and more lucrative cases, with some line of business endeavor.

Nothing more effectively tends to bring on professional failure than the lack of promptness and attention to the cases turned over to the control of the lawyer. Procrastination is one of the

greatest enemies of the profession. Responsibility is so great, the choice between two lines of action is at times so difficult, power of discrimination to select the right way is so necessary to achieve success that postponement of judgment is a common fault in the profession, which the young aspirant should by all means learn to avoid. Never let your business pile up. That is a fatal error. You will be in time like the woman who was advised to let her dishes go and found at the end of a week that they would not go. If you get badly behind discouragement will come, slovenly work will follow, your business prestige will suffer.

Can you stand the moral strain of the profession? To do so you must get money largely out of your mind. No great amount of money is made practicing law though the opportunities for profitable business transactions are perhaps presented more frequently to a lawyer than to the members of any other profession except that of banking. There is a great opportunity to do evil for the reason that your client entrusts you more fully with his work and the questions involved are more complicated, more confusing, more difficult to follow by the laity than in any other profession. There are many temptations to a breach of trust. There are many possibilities of illegitimate financial gain which may temporarily be covered up and undis-

covered. This is the pitfall into which young lawyers fall in the first lean years of the profession. Avoid it as you would a pestilence. You will never get joy from the profession if you practice it by taking an unlawful advantage which your fiduciary position throws in your way.

But while you have great opportunity to do evil, remember also that you have enormous opportunity to do good. Think of the opportunities that you have in the way of settling controversies if you have the right characteristics of mind to bring persons together and avoid long, expensive litigation by securing mutually acceptable settlements. Think of the opportunity you have in domestic quarrels to seek to ally and compose the differences between husband and wife and avoid divorce proceedings and the scandalization of the family involved. Think of the opportunity you have in criminal cases to see that the rights and liberties of the accused are protected; that he is not over-reached by the State, but please remember that here is one of the greatest temptations of all to resort to unprofessional pettifogging practices which have brought this branch of the law considerably into disrepute. Here too is an opportunity for the reform of the law and the procedure itself in the interest of a sounder and surer justice.

The lawyer is a great conservative and yet progressive force in social affairs.

Through his knowledge of the law which means his knowledge of the interrelations of the movements of society the lawyer becomes a most expert leader in social, governmental and political affairs. The opportunity to do good is endless if he can only make himself a seeker after truth, if he can only subject his own selfish interest to the interests of society. His education, his training, his opportunities, are greatest of all to mold and guide society toward a higher goal.

Remember too that in professional life it is character as well as intellect and legal knowledge which wins cases. The same evidence analyzed in the same way, the same argument presented in the same manner, will convince a tribunal when presented by one advocate, and fail to convince it when presented by another, depending upon the weight of the character that is behind the words and conduct. Every court must assume much. Every court is too busy to verify all. The calendar is long, the work of the judge is difficult. Cares and responsibility weigh heavily upon him. Honorable attorneys are the staff on which he leans. Once violate his confidence you have given away a valuable heritage which it is most difficult to recover. Hew to the line of honorable conduct, claiming no more than the law allows, remaining inside of the evidence offered, using moderation rather than extreme claims, and you will have retained the favor and in-

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fluence of the court, which will bring you success in many a close and hard fought legal battle. Remember that law is the savior of society, that without it we have anarchy, each man fighting his neighbor. With it we have peace and peaceful adjustment of misunderstandings and dispute.



DEBATE LAURELS

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the Stimson doctrine, public utilities, war debts, Monroe doctrine, taxation, recognition of Soviet Russia, limitation of the number of students in colleges, and the soldier's bonus. Opposing schools have included Universities of Mexico, Arkansas, Kansas, Missouri, Baylor, Iowa, Nebraska, and Washington. The Oklahomans attended the Delta Sigma Rho tournament in Iowa City early this spring where they met and debated teams from fifteen mid-western schools.

Realizing the importance of debating for every student, both from the standpoint of acquiring a knowledge of important questions of the day and being able to make a successful delivery of knowledge gained, Coach Emery during the current season has expanded his squad to greater numbers than ever before. At the present time there are twenty-five students on the squad. In order that his inexperienced men might have an opportunity to gain valuable practice, Coach Emery instituted the plan of conducting extension debates before various civic clubs over the state utilizing two teams from his squad at each debate. Business men over the state have responded to this plan most favorably as a means of gaining the fine points of timely topics for their own enlightenment. This additional touch to the debate program has paid its own way in that the clubs entertaining the speakers have provided funds for the expenses of the trips.

In line with his plan of broadcasting programs so that it will be of benefit to a great number of students, Coach Emery is considering plans for the establishment next season of a debate union on the university campus patterned after the Oxford Union, where students and faculty members will meet at regular intervals for debates on important questions of the day.

Demonstrating the value of intensive research and the presentation of important questions of the day, Mr Burns and Mr McElroy in their key debate with the University of Arkansas based their conclusions and arguments on three major points of the electric utilities question. First, "that additional federal regulation is unnecessary," second, "that additional regulation would be contrary to the public good," and third, "that such regula-

tion would be politically and economically unsound."

In opening his argument as the first speaker for the negative, Mr McElroy stated that the rapid expansion of the power industry to the point where it is able to serve the farmer and the small community as effectively as it does the larger community was not due "to any action similar to the rubbing of Alladin's magic lantern, but to years of tireless and painstaking efforts on the part of the holding companies. In his definition of a holding company Mr McElroy stated: "a holding or a management company comprises a group of individuals familiar with the industry, highly trained technicians, who have the supervision of not only one, but ordinarily, of a dozen or more utilities. They make possible the efficient and economical operation of utilities through buying the requirements of a number of utilities, whenever purchases are made, thus providing a greater purchasing power and lower prices; by giving the small companies the managerial advice and experience which would otherwise be available only to the larger utilities; by ability to obtain money cheaper through the credit rating of a number of utilities; and by being able to render expert engineering and construction services at a minimum cost, which might otherwise be cost prohibitive to the smaller units." Mr McElroy pointed out that the utilities were already sufficiently regulated through various state and federal boards, and cited as an example, the state corporation commissions, called in some states, the utilities commissions.

Continuing the argument for the negative Mr Burns stated that although there was no provision in the Constitution authorizing the government to engage in business, that the federal government was engaged in operating some 232 various businesses and services. He pointed to federal regulation of the railroads, which had cured some of the evils of railroading and added "that the railroads of today are very weak sisters."

Mr Burns said: "It is wholly within reason to say that the utilities having passed the boom stages may find themselves slowly improved and regulated to death just as most of the common carriers have. Some of the leading writers even go so far as to predict that the next few years will find the federal government taking over ownership and control of the railways in order that it may be repaid the vast loans given by the Reconstruction Finance Corporation.

"My next point is that such regulation would be politically unwise. We are all aware of the already overburdened system of government. A recent magazine article states that if the present trend in government is continued one out of

every two citizens will be employed by Uncle Sam in 1960."

Mr Burns showed that the additional regulation would be paid for ultimately by the consumer, and that a federal commission for the regulation of utilities would be less satisfactory than the state commissions in that the federal group would not understand local problems.

Both speakers indicated that the matter of inter-state regulation could be handled very easily, and was being done, in as much as the state regulation of power lines began at each state boundary, and that any company would be subject to the regulations of the state in which it was operating.

These points merely illustrate the depth of the research and comprehension of difficult questions of the day, as presented by university students who have taken their spare time from regular class work and preparation to work out debate topics.

Debating is an extremely important extra-curricula activity and perhaps in the near future it may become a vital part of the regular curricula of colleges and universities throughout the land.

Certainly with the proposed expansion of the program on Oklahoma's campus and its availability for a greater number of students assisted by the seasoned knowledge of faculty members, debating is destined to become a very vital item in the lives and activities of those at the university.



THE NEXT BIENNIUM

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best form of scholastic rivalry—a race of the colleges themselves for distinction, by the day, would prove a good rival for competitive college athletics.

And I would suggest in this connection that such a system would at once do away with such foolish tests as attendance and endowment in determining the right of schools to recognition. From all past experience we know that it is the product that tells the tale of education as in all other activities of life.

Another advantage would lie in giving the independent colleges that are under religious control additional freedom to enforce their own tested ideas of discipline. Far from discouraging them from giving their students moral training and instruction, I would encourage them in both; always keeping in mind the rights of the personal conscience. As a matter of fact, too little attention is now paid to character-forming influence in state education.

Such a plan of co-ordination would have another advantage, one now fully recognized by the Universities of Harvard and Chicago, that of permitting exceptionally brilliant students to graduate as soon as they are able to pass the academic tests.

It has always seemed strange to me that such students are forced to the expense of a fixed number of years of college residence, during which they are held back to await the slower progress of others, and thus, kept from their work in life. By such a plan, too, even if the tax-supported colleges lose students to the independent group which I think might be the case yet the enrollment of the Greater Uni-