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LIFE AND LAW, by Samuel Williston. Little, Brown and Company, 1940.

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quotes the hope of the New York Times expressed on September 29, 1932, that "John Sharp Williams' whims, his learning, his weakness, the touch of genius in him, his strong individuality and originality" would in time find "a competent, sympathetic but impartial biographer." A little less of the circumscription of certainty and documentation and more resort to apocrypha and imagination may have given a more colorful and paradoxically an even more accurate portrayal. After all, Major Frederick Sullens, of the Jackson Daily News, to whom many of the footnotes point, has known and used this method delightfully for a long time!

Otherwise, it is a well-constructed book.

R. J. FARLEY*

The Louisiana State University Law School is justly proud of the three alumni law partnerships whose members have founded a marital as well as a professional association. The three following book reviews attest the continued scholarly activity of these six graduates as well as their constant interest in the journal and affairs of their alma mater.

LIFE AND LAW, by Samuel Williston. Little, Brown and Company, 1940.

Every law student, every teacher of law, every practicing lawyer, in fact everyone interested in the life of a great American, should keenly enjoy reading the autobiography of Samuel Williston entitled *Life and Law*. As you would expect of the life of a great legal scholar, writer, and teacher, it is not the story of high adventure or of romance that one finds in the autobiography of a Cellini, or in the Confessions of a Saint Augustine. The whole book is almost wholly devoid of romance with the exception of a few paragraphs dealing with the courtship of the young lady who later became the author's wife, and of several casual references to the courtships of others. Everything else in the book is concerned with law or persons associated with it. In fact, it is the story of the author's lifetime devotion to the field of law and of his fervent and almost romantic attachment to it, in spite of many intermittent and quite frequently long spells of illness from his youth up to the time of the writing of this

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book, which was published by Little, Brown and Company in 1940.

Written when the writer of the monumental works on Contracts was nearly eighty years old, it is not only the record or story of the author's life but something of the history of the Harvard Law School; of the controversy that raged over Langdell's introduction of the case-system at Harvard; the founding of the Harvard Law Review with the author serving as a member of the first board of editors; the author's impressions of the great writers and law teachers Thayer, Gray, Ames and Langdell, and of his associations with them during a portion of his more than fifty years as a teacher of law at Harvard; and his work on the drafting of uniform laws and on the Restatement of the Law for the American Law Institute. As Williston himself wrote in the preface to *Life and Law*, the book "tells a tale not only of one man's life, but of the time in which he lived."

In a brief allusion to his ancestors, the author relates that his paternal grandfather, who was named William Richards was a missionary to the Sandwich Islands in the early part of the nineteenth century. His father, Levi Lyman Richards, was born in the Hawaiian Islands and when very young was brought to New England with a sister to live in the home of Samuel Williston of Easthampton, Massachusetts, whose name he took and who "virtually adopted" him.

In his autobiography Williston also tells of his life as a student at the Harvard Law School and of his association, first as a law student, and then as a law professor, with the great teachers Thayer, Gray, Ames and Langdell.

After obtaining an academic degree he served for several years as the secretary of a Mr. Raphael Pumpelly, who was engaged in making a survey for a railroad enterprise. This survey coming to an end, Williston taught for a time in a boarding school for boys, or in his own words, was a "preparatory school teacher." Inheriting a small bequest from his Grandmother Williston, he decided to study law at Harvard. In 1885, after an absence of three years from the school he entered upon the study of law. Through a whim of fate, when the law course was changed from two to three years, he was of a mind to leave the university but a proffered scholarship of \$150.00, the amount of the tuition fee, induced him to remain. Upon his graduation he was offered and accepted the position as secretary of the distinguished Horace Gray, then a justice of the United States Su-

preme Court. In his chapter entitled "Washington," Samuel Williston gives an interesting sidelight of the happenings and incidents which occurred while a law clerk to a justice of the Supreme Court, of the people he met while in Washington and of his impressions of the distinguished guests he met as a result of his employment by Judge Gray.

There is also an interesting chapter entitled "Law Clerk" in which is related the author's experiences while employed by a prominent Boston law firm of Hyde, Dickinson and Howe, and some of the cases which were handled by the firm. It was while so employed that he was offered an assistant professorship at the Harvard Law School, which he accepted although urged by his employers to remain with them. However, he did so with the request which was agreed to by the Harvard Law School, which the author constantly refers to as the Harvard Corporation, that he also be permitted to maintain a part-time practice. This arrangement continued throughout his connection with the Harvard Law School. Throughout the book there are numerous instances related by the author in which he participated in litigated cases, usually as an associate counsel, and usually in cases which involved the law of contracts.

Among the interesting things the author mentions, that we believe, in passing, should be noted, is the fact that only through a whim of fate did Williston come to teach Contracts. At the time he became a law professor, there were two law subjects that remained unassigned. These two subjects were Contracts and Torts. A professor who was senior in point of service was given the first choice, and he chose Torts. Thus Williston came to teach Contracts, and thus it was that the legal profession came to receive the rich legacy of the volumes on Contracts and on Sales, the first of which was an enormous task which the writer said required his personally checking seventy thousand reported cases which were indexed in the first volume.

Another interesting thing mentioned by the author was that the Harvard Law School began to print casebooks because the law students who were assigned cases to read were wearing out the original reports because of reference year after year to a particular case. Thus for the preservation of the law library, casebooks for student use came to be printed.

It is difficult indeed to make a prediction as to the permanence of any book's popularity. Yet, in view of the fact that a short while ago the biography of an unknown country lawyer

enjoyed a wide popularity, and more recently the biography of a fictitious lawyer has become a best-seller, the prophecy is warranted that Williston's *Life and Law* should eventually become a classic of its kind. Its wealth of anecdotes, its stories of lawyers and sideglances into lawsuits, its lucid and convincingly emphatic style, warrant without a doubt its right to so endure.

In closing, while forewords are usually of a flattering nature, we cannot refrain from quoting from the book's foreword a portion of the high tribute to Williston as a teacher written by Learned Hand, one of his students:

"In the author of this book these qualities were happily fused, as he who reads it will learn. He will find the picture of one who had neither vanity, nor its counterpart, self-depreciation; neither pedantry, nor intellectual slackness; neither worship for the past nor a heart open to each new-comer; it will not be hard to see why the serene spirit—even under its frequent load of illness—should have ended by making its possessor one of the great figures of his calling, final authority when he speaks. But one thing he will not find, for it is reserved to us who were his pupils; he will not come to know him as a teacher. . . . And this book in which he tells us of himself is for all of us a fortunate occasion; once more it gives us an opportunity to salute our master."

JULES F. LANDRY* AND FRANCES L. LANDRY**

YOU BE THE JUDGE, by Ernest Mortenson, Washington Law Book Company, Washington, D. C., 1940. Pp. xii, 439. \$3.75.

As the late Dean Wigmore says in his foreword to *You Be the Judge*, "What this book does is make the law and its everyday process understandable to the man in the street. He ought thus, as he reads this book, to become a more useful citizen and a more manageable client."¹ Such a recommendation from one so eminent immediately marks this book as one worth the time of both layman and attorney.

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1. P. vii.