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A

READ CAREFULLY

Name (Please Print) _____

**DO NOT WRITE YOUR EXAMINATION NUMBER
ON THIS PAGE.**

AMERICAN LEGAL HISTORY

Final Examination

May 13, 1997

Professor Claxton

This examination is composed of two main sections. It has an overall time limit of three hours. **YOU MUST NOT EXCEED THE OVERALL TIME LIMIT.** When you complete the examination, **PLEASE HAND IN YOUR ANSWERS AND THE COVER SHEET (PAGE A) THAT NOW IS IN FRONT OF YOU.** The cover sheet is to be placed in a separate box from the box in which you will place your answers. Your name should be printed on the cover sheet. Your examination number should appear only on your answers.

It is important that you follow these instructions carefully. TO REPEAT:

1. You are to return the cover sheet that now is before you.
2. Your name should be printed on the cover sheet (Page A).
3. The cover sheet is to be placed in a separate box from the box in which your answers will be placed.
4. DO put your examination number on your answers, but DO NOT put your examination number on the cover sheet.

I *urge* you to scan the *entire* examination before you begin writing.

Finally, one important suggestion: **THINK** first, write later.

I

Respond to ONE (and only one) of the following subsections (I-A and I-B). It is entirely up to you to choose which one of the two subsections to which you will respond.

I-A In the context of the course in American Legal History in which you were enrolled during the past semester, do you agree or disagree with the statement set forth below. *Explain your response.*

In telling what has been, the historian is also to tell what ought to be, for he is to pass judgment on events, and try counsels by their causes first and their consequences not less. When all these things are told, history ceases to be a mere panorama of events having no unity but time and place; it becomes philosophy teaching by experience, and has a profound meaning and awakens a deep interest, while it tells the lessons of the past for the warning of the present and edification of the future.

I-B In the context of the course in American Legal History in which you were enrolled during the past semester, do you agree or disagree with the statement set forth below. *Explain your response.*

My experience of men has neither disposed me to think worse of them; nor indisposed me to serve them; nor in spite of failures, which I lament, of errors, which I now see and acknowledge, or of the present state of affairs, do I despair of the future. The march of Providence is so slow, and our desires so impatient, the work of progress is so immense, and our means of aiding it so feeble, the life of humanity is so long, and that of the individual so brief, that we often see only the ebb of the advancing wave, and are thus discouraged. It is history that teaches us to hope.

II

You are serving as the hostess (or host) for a visiting group of young professionals from the strife-torn country of Bosnia. Your guests are fascinated by the American legal system (and by Florida alligator farms, but that is a story for another time). They have asked you to discuss for them what you consider to be the great themes of American legal history. Please proceed.