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Editors' Page

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EDITOR'S PAGE

On July 1, 1964, the signature was put to an unusually useful life. The author did not need to write a postscript to his work, for many others will be moved to do so. Many already have. Most of us would be content to be known as good Nebraskans. Because of his contributions to his country's social order, Roscoe Pound will be remembered as a great American. But he was also a native Nebraskan, a one-time Nebraska lawyer, and a former Dean of the Nebraska Law School. For these reasons, we Nebraskans feel particularly moved to contribute our own memorial postscript.

Our first tribute, for which we are indebted to Mr. Richard W. Smith, was not originally conceived as a memorial. It is adapted from an address delivered by Mr. Smith on September 28, 1963, upon which occasion a distinguished service award was conferred upon Dean Pound by the Native Sons and Daughters of Nebraska. Mr. Smith's contribution is particularly appropriate, since he was formerly a student of Dean Pound at Harvard Law School and is presently a practicing Nebraska attorney. Even more appropriately, Woods, Aitken & Aitken, the Lincoln firm of which he is a partner and with which he has been associated since 1938, is a successor to Hall, Woods & Pound, the firm with which Roscoe Pound was associated during his early years in Nebraska. Mr. Smith is a member of the American Bar Association, the Nebraska State Bar Association, and the Lincoln Bar Association, and is chairman of Harvard University's Schools and Scholarship Committee for the Lincoln area.

We are also pleased to print the memorial citation which was conferred upon Dean Pound by resolution of the Nebraska Association of Trial Attorneys at their meeting on November 11, 1964. The citation was drawn up by Mr. Thomas A. Walsh of Boland, Mullin, Walsh & Cooney, Omaha, Nebraska. In addition to his membership in the Nebraska Association of Trial Attorneys, Mr. Walsh is a member of the Defense Research Institute, the American Judicature Society, the Nebraska State Bar Association, and the American Bar Association.

For the first nineteen years of its life, this publication was known as the *Nebraska Law Bulletin*, but in 1941, the "old friend" appeared "under a new name and in a new garb." The new name, of course, was *Nebraska Law Review*, which was considered by the rechristeners to be "more descriptive of its character." The new garb may have been necessary in part to accommodate its sudden increase in physical dimensions. As the *Nebraska Law*

Bulletin, it had been only five and three-fourths by eight and three-fourths inches. To further demonstrate its true character, however, the new *Nebraska Law Review* expanded an impressive inch by an inch and one-fourth. Then, as now, the third dimension varied markedly from issue to issue.

If we discount the size of the garment as the determining criterion, the "new garb" which the *Review* assumed in 1941 was not its first change of clothes. Volume 1 was dressed in a light manilla cover with black lettering. The cover worn by Volumes 2 through 18, Issue No. 1, looked a great deal like a gray flannel suit, but perhaps that particular comparison was not so apparent in the 'twenties and 'thirties. In any event, the appearance it presented, especially with austere black lettering superimposed upon the gray flannel, was one of business-like understatement. One can imagine, then, that Volume 18, Issue No. 2, might have occasioned mild surprise among the readership. Only the black lettering remained the same. The cover was white and sported a cool green three and one-half inch square upon which the issue's lead articles were listed. In the six succeeding issues, the billboard square appeared in autumn gold, blushing violet, reminiscent gray (a concession, no doubt, to the diehards who wanted the gray flannel back), burnt sienna, passionate purple, and silver-gold respectively.

The covers on Volumes 20 through 28 of the newly renamed *Nebraska Law Review* were no less imaginative than the "garb" which they replaced. A generous top half of the cover was always white and the lettering was always some shade of red or brown, but the short bottom half appeared successively in practically every pastel shade imaginable. A surge of school spirit coupled with the inevitable exhaustion of the pastel rainbow may well have been responsible for the next cover change. From 1949 through 1956, Volumes 29 through 35, the cover featured scarlet lettering on a cream background. In 1957, the scarlet and cream were rearranged to produce the cover which was maintained through Volume 43.

And now, in deference to eighteen years of the oldest and finest tradition, the longest period of stability in the history of the cover, the gray is back. It returns in the company of some changes in cover design which were effected with the advice and assistance of Mr. Roger L. Meisenbach, B.F.A., University of Nebraska, who is presently a graduate assistant in the Art Department of the University of Nebraska. The gray is back, but the black is not. In the interest of continuity and other sentiments, the red has remained. Hopefully, the disciples of austere and studied

understatement will grant this one small concession to the spirit of Big Red.

Although the dimensions, plumage, and format of the *Review* have changed from time to time over the years, its purpose and philosophy have not. Its principal purpose still is "to be of service to the profession." It still "invites criticisms and suggestions both as to form and substance." The *Review* is most interested to know what legal topics and problems its readers, especially those who are members of the Nebraska Bar, would like to see studied in future issues.

The *Review* also welcomes the contribution of articles by its readers. Of course, publication cannot be guaranteed, but the most careful and painstaking consideration of every manuscript is guaranteed. In order to expedite consideration and publication, manuscripts should be typewritten on a sixty-space line, triple-spaced, and submitted in duplicate to:

Editor-in-Chief
Nebraska Law Review
The University of Nebraska
College of Law
Lincoln 8, Nebraska

This most conspicuous of positions has been reserved for the confession of error. The following statement appears in the second full paragraph at 43 NEB. L. REV. 678 (1964): "[T]he Nebraska court has recognized that captions may be part of a statute." Footnote 27 cites dictum in *Security State Bank v. Aetna Ins. Co.*, 106 Neb. 126, 183 N.W. 92 (1921), as authority. The statement is not untrue as a matter of historical reporting, but it is misleading as a statement of Nebraska law. The *Review*, which assumed complete responsibility for the accuracy and authenticity of the Nebraska law involved at the time it solicited Mr. Davenport's contribution, simply overlooked the existence of NEB. REV. STAT. § 49-802(8), which reads: "Title heads, chapter heads, section and subsection heads or titles, and explanatory notes and cross references, in the statutes of Nebraska, supplied in compilation, do not constitute any part of the law." It might justifiably be argued, however, that the introductory and concluding paragraphs of section 49-802, as well as the phrase "supplied in compilation" in subsection (8) itself, will allow that subsection to be interpreted to accommodate the wording and intent of Uniform Commercial Code § 1-109.

In any event, we cannot emphasize too strongly that the *Nebraska Law Review* bears full responsibility for the oversight and that the chink in our research effort can in no way reflect upon the workmanlike contribution which Mr. William B. Davenport has made to our symposium on the Uniform Commercial Code.

The Review welcomes its readers, both old and new, to another year of professional endeavor with the hope that Volume 44 will be stimulating and informative to you all.

THE EDITOR