

Michigan Law Review

Volume 46 | Issue 4

1948

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Recommended Citation

E. B. Stason, *THIS ISSUE IS DEDICATED TO THE LATE PROFESSOR JOSEPH HORACE DRAKE*, 46 MICH. L. REV. 447 (1948).

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Vol. 46

FEBRUARY, 1948

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THIS ISSUE IS DEDICATED TO THE LATE PROFESSOR
JOSEPH HORACE DRAKE

ON MONDAY, AUGUST 4, 1947, Joseph Horace Drake, Professor Emeritus of Law, died in Ann Arbor, at the age of eighty-seven years, after a lingering illness. Those of us who knew him during his many years of service to the Law School, recalling his genial kindness, his ever-present sense of humor, and his thorough scholarship, feel a sense of deep appreciation for his long and distinguished career and for the privilege of association with him.

Professor Drake was born in Lebanon, Ohio, on May 18, 1860. After preparing for college in the Lebanon High School, he entered the University of Michigan, enrolling in the College of Literature, Science, and the Arts. In 1885 he was graduated with the degree of Bachelor of Arts. Thereafter, he became principal of the Battle Creek, Michigan, High School, where he served for the three years from 1885 to 1888. In the latter year he returned to the University to join the faculty as Instructor in Latin. In 1890 he was appointed Assistant Professor of Latin, and immediately went abroad for two years of advanced study at the Universities of Jena and Munich. Later, in 1899, he again studied abroad, this time at the University of Griefswald, in Germany. In 1901 he was appointed Junior Professor of Latin and Roman Law in the College of Literature, Science, and the Arts. In the meantime, however, Professor Drake's interest in law had been gradually expanding, and in 1900 he embarked seriously upon the study of Anglo-American common law in the Law School. He earned the degree of Bachelor of Laws in 1902, but continued his service on the faculty of the College of Literature, Science, and the Arts until 1907. In that year he was appointed Professor of Law in the Law School, which position he held until July 1, 1930, at which time he retired at the age of seventy to become Professor Emeritus of Law, thus concluding an active teaching career of forty-two years in the University. Known affectionately to many hundreds of his students and friends as "Ducky" Drake, he was highly regarded as an understanding and scholarly teacher of Latin and law, a master of his subject, and a congenial companion and associate.

Professor Drake's scholarly career was vastly enriched by the gradual evolution of his range of interests. His early specialty was Roman Literature and Institutions. This led him naturally into Roman Law, a subject which became a major interest while he was still a member of the faculty of the College of Literature, Science, and the Arts. Later, as a Professor of Roman Literature and Institutions, he offered a course in Roman Law in the Law School, then known as the "Law Department." Then he embarked on the study of the common law. After transfer to the law faculty in 1907 he gave instruction in a common law course for beginning students called "Elementary Law,"—this in addition to his specialty courses in Roman Law. Subsequently his studies in the Roman and the Anglo-American systems caused him to develop a profound interest in jurisprudence, a subject which he taught and to which he became particularly devoted to the later years of his teaching career. His translations of some of the outstanding works of German juristic thinkers, especially those of Professor Stammler, did much to make the work of German jurists known to American legal scholars. Then, finally, the range of Professor Drake's scholarly interests broadened enough to include several of the so-called "bread-and-butter" practical subjects of the Law School program—Contracts, Partnership, Damages, and Personal Property. He roamed widely and penetrated deeply.

Full-time teaching duties did not prevent Professor Drake from making frequent contributions to legal scholarship, principally in the form of Law Review articles, translations, and services as editor of scholarly publications. Early in his career as Professor of Latin, he made a major contribution to the first volume of the University of Michigan Studies, entitled *The Principales of the Early Roman Empire* (1904). Previously he had published a revision of *Jones' First Lessons in Latin* (1895), and also revised another volume by Jones, entitled *Latin Prose* (1896). Professor Drake's contribution to periodical literature was extensive. His writings appear in the *Michigan Law Review*, the *American Law School Review*, the *Harvard Law Review*, the *American Bar Association Journal*, as well as several classical journals. Upwards of twenty-five such contributions are credited to him. As a translator, Professor Drake made available to English reading scholars *Menaechmi of Plautus*; *Fundamental Tendencies in Modern Jurisprudence*, by Stammler; and *Jus Gentium*, by Wolff. As editor, Professor Drake served the Modern Legal Philosophy Series, (Volumes V and X), and also the Continental Legal History Series. During his later years as a law professor, after he had

broadened his interests to include Contracts, Damages, Partnership, and Personal Property, his writings showed a keen interest in, and appreciation of, the practical, work-a-day features of the law, as well as the philosophical and jurisprudential. The breadth of his interests was surprising in view of the depth of his scholarship.

Not only were students attracted by Professor Drake's human qualities as a teacher, but these characteristics were also well illustrated by his interest in his college fraternity, Delta Upsilon. He remained active in the fraternity throughout most of his life, and for many years he conducted every formal initiation within the group. He was also an actively interested member of Phi Beta Kappa.

In 1894 Professor Drake was married to Maude Elizabeth Merritt. He had four children, Joseph Horace, Jr., Charles Merritt, Robert Lincoln, and Elizabeth Maude. All of the children and several grandchildren survive.

To his colleagues on the law faculty, by whom Professor Drake was greatly beloved, he was known for his courteous and gentlemanly manners, his quiet but effective sense of humor, and his scholarly approach to all of the questions of the day. He never failed to see the bright and sunny side of the problems of the moment.

E. Blythe Stason