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First Installment of Dean Archer’s Interesting History of the School

“Developing the Judicial Mind,” An Able, Timely Dissertation, By Prof. A. Chesley York, page 10
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Is the Profession Overcrowded?

By Dean Gleason L. Archer, LL. B.

Once upon a time there were but twenty-five lawyers in Massachusetts, and three young men applied for admission to the Bar. The aforesaid twenty-five lawyers, comprising the first Bar Association, met in Solemn Conclave July 28, 1766, at the “Coffee House,” (in the words of John Adams) “To consider some measures for limitation, * * * they swarm and multiply.”

The same old spectre that affrighted the twenty-five lawyers of 1766 continues to trouble the lawyers of the present day. They cry out now as then: “The profession is overcrowded, we shall all starve if new lawyers continue 'to swarm and multiply.'”

But today, there are two hundred lawyers in Massachusetts for every one that was practising law in 1766. We would naturally expect therefore that the “Good Old Days” were forever passed, and that the lawyers of the present would be forced, by excess of competition, to charge smaller and smaller fees in order to secure business at all. That would be the inevitable result if the profession were really overcrowded.

But never in the history of the profession have lawyers commanded such fees as they command at the present time. A well-known judge said to me recently, “Every Tom, Dick and Harry charges bigger fees today in two-penny cases, than Daniel Webster dared charge in his most celebrated trials.” This in itself is proof positive that the apprehensions of the pessimistic gentry are as unfounded today as others like them have been through the 150 years that have elapsed since the meeting referred to.

And the reason is not far to seek. The whole scope of a lawyer’s activity has unfolded and broadened with every economic and social change the world over. He is no longer a pleader in court merely, but has become the pillar of the State in all fields of human activity.
We have our legal specialists in every branch of the law. We have those who specialize in Corporation Law, in Tort Law, in Admiralty and Constitutional Law, Patent Litigation, Insurance Laws, in the Law Merchant, in Probate Law, etc. There are lawyers who handle estates exclusively, administer trusts, or who deal wholly in real estate matters. Great corporations now employ lawyers by the score in the management of their intricate and highly technical business affairs.

But not all, nor even a very large proportion, of the young men who are now studying law will ever practise it in the sense the term "practise" has been interpreted in the past. Present industrial conditions, with the maze of legislative enactments that every year render industrial success more and more difficult, demand legally trained men if any business venture is to attain respectable proportions, or even to survive at all. Many of our young attorneys will be drawn aside into the ever widening fields of activity.

Practical business men are now training their sons in the law as a necessary equipment for their life work. They have come to see that knowledge of the law is as essential to their success as a knowledge of mathematics, for if a businessman rushes ignorantly into some legal obstacle, and then calls in a lawyer to extricate him, his conduct is as inexcusable as would be that of the captain of a great ship who runs his vessel onto a hidden reef in a harbor and then calls for a pilot to show him the way to port.

The Law is not overcrowded. The pessimistic plaint of the short-sighted practitioner who fears that he must share his business with the new lawyers who are coming to the Bar each year is after all without foundation. Never have lawyers won such handsome rewards as they are now winning. After all the pessimists have spoken and all the prophets of evil have laid aside prophecies, the fact remains that there never was such an age of promise for lawyers since the world began.
DEAN GLEASON L. ARCHER, LL. B.,
Founder of The Suffolk Law School. Author of Text Books on
"Contracts," "Law Office and Court Procedure," etc.
The History of the Suffolk Law School

By GLEASON L. ARCHER, L.L. B.
Dean and Founder of the School.

CHAPTER I.

The Proximate Cause.
Could all the intimate history of the Suffolk Law School from its very inception to the present moment, its humble beginning, its long and labored struggle upward in the face of powerful opposition and its final triumph be fairly set forth that all may read, the narrative would prove to be one of surpassing interest. Ten years is a short time in the eyes of men when it is looked back upon, and perhaps altogether too brief to allow a proper appraisal of all the varying incidents that go to make up that interval of history.

There is no fact of life more apparent to man than the wonderful way in which a trifling incident of every day life sometimes marks the turning point of one's whole existence. Yet at the time it occurred it was merely a trifling incident of no more apparent importance than any other that preceded or succeeded it, and had we not taken advantage of the opportunity thus afforded we doubtless would never have realized that it possessed the slightest significance to our lives. But looking back through the vista of time, its true significance stands revealed and we know the happening to have been the point of departure from the direction in which our lives had hitherto been moving.

For this reason, perhaps, the incident, trifling though it may seem, that brought about the eventual founding of the Suffolk Law School stands forth in my memory as one of the most vivid of my life. Should I live ever so long I can never forget that scene in Room 826 of the Old South Building, Boston.

It occurred sometime in the early part of October in the year 1905. I was then beginning my second year at Boston University Law School, but hoping to graduate a year ahead of my class (which, by the way, I accomplished). I was taking the subjects of Real Property, Equity, Bills and Notes, Corporations, Evidence, Wills, Pleading and Practice, not to mention a few other subjects and, naturally, I expected to be busy both day and evening.

It will be granted, therefore, by anyone who has studied the difficult subjects that I have enumerated, that, to use the language of the street, I was "some busy."

On this particular afternoon in the Autumn of 1905 I was seated at a roll top desk by the window in Room 826 of the Old South Building studying my lecture notes, (I used to study these quite a bit while keeping the office open), when Hugh A. Quinn of "10burn, the owner of the aforesaid roll top desk, entered the office.

He was and is a young man of keen intellect and we had often conversed on various legal topics. Whenever anything came under his observation that involved a point of law he usually asked me about it, and, like all law students, I was glad indeed to air-I was about to say, my knowledge, but will substitute the word "understanding" of the law that governed it.

On this afternoon, we got into a
discussion of the law of "Con-
tracts," and it may be that my
explanation seemed to him par-
ticularly lucid, for as a result of
it he said to me:

"Mr. Archer, I wish I could
study law. I've always had a
hankering for law. Why can't
you teach me? I'd be glad to
pay you for it, and I know a
young fellow that I think would
like to study with me."

To say that I was amazed at
the proposition was to put it
mildly. It seemed that I had
already more work before me
than I could ever hope to ac-
complish during the school year.
So I tried to evade the issue by
suggesting that he go to the Y.
M. C. A. Law School if he
couldn't get time for study dur-
ing the day.

"No," he replied, "I have in-
vestigated that and I know that
I can't stand the strain, for I am
working too hard. One or two
evenings a week would be all
that I could stand."

I pondered over it. I ex-
plained to him the vast amount
of work that I was undertaking
—and I turned him down.

But, it may be objected: "How
can this be the inception of the
Suffolk Law School?" It was,
nevertheless. Although I did not
grasp opportunity by the fore-
lock when it met me, yet I did
catch it by the fet-lock before it
got away.

CHAPTER III*

A Momentous Decision.

It was my custom while a
student in Boston to study very
diligently, taking little of the re-
laxation or recreation that most
young men think and perhaps
rightly, to be necessary to their
physical well being. I never fre-
quented places of amusement nor
even gymnasiuins, and my chief

*Chapter II omitted.
Reminiscences of Old China--A Word Picture

By WILLIAM B. WALKER, '16.

(Editor's Note:—The author of the appended article is one of the most cosmopolitan students of the Suffolk Law School. William B. Walker is a globe trotter, and has been many times around the civilized world. The interesting article printed below is a portion of a series of notes on travel based upon actual experiences abroad. Other articles written by the author will be published later.)

The following impressions and facts are penned, not with any idea of describing the China of today, for it is now fully a decade since I visited the Celestial Kingdom, but rather with the humble purpose of relating to my fellow embryo attorneys a brief sketch of the manner in which the Chinese handled their criminals at the time I was in that country; also, a few glimpses of the manners, customs and scenes which greeted the eye of a visitor in the old days. The comparison of their methods of dispensing justice, showing their crudeness in handling capital cases, set off against our enlightened methods of the present day, is too apparent for comment. The reader, however, should not be too harsh in their judgment of the Chinese, for it was not so long ago that our cultured ancestors burned and hanged so-called witches in the fallacious belief that they were the personification of evil.

"An Incident of the Trip."

As we approached Hong Kong, I should say about 20 miles out, we ran into a Chinese junk. We struck her amidship and ran through her like a saw. The sea ran high at the time and it was with some difficulty that our boats were lowered. Two men were drowned, and five men, two women and two babies were rescued. The five Chinese men put off from the wreck in their small boat, leaving the women and children to look out for themselves. The forward part of the junk went down in about five minutes, but the stern floated, going round and round for some time.

Picture of Hong Kong.

Hong Kong is a free port, so no baggage examination is made and there is little delay for medical inspection. The city is built on the side of a mountain. Its buildings are large and clumsy in appearance. The business is principally in the hands of the Chinese. Everything was very expensive and the reason given for this was the new ownership of the Philippines. This created an increased demand and a consequent rise in prices, as the people of Hong Kong depend on the outside world for what they eat and wear.

Nine-Tenths Chinese.

The business of the courts and postoffice is conducted in English, although nine-tenths of the population is Chinese. The city is clean, although there is no system of sewage, nor, at times, a sufficient fresh water supply. Sedan chairs and jinrikishas are the only means furnished for getting from place to place, unless one walks. The ice-carts and street wagons are hauled around by men who pull them along on ropes.

The general way of conveying merchandise, building materials, (Continued on Page 22.)
New Annex
An Achievement

Remarkable Spirit of Loyalty Keynote of Success and Bond Issue Was Met By Enthusiastic Body of Students.

By LEO J. HALLORAN, '18.

To properly begin this article on the new addition to our school, I would be forced to go away back to the year nineteen hundred and six, when the Suffolk Law School, then composed of nine students, was in its infancy. To thoroughly tabulate the events which led up to the need of a new addition, would mean to follow its course through the few years of its brief existence, which included many important and far-reaching happenings; through the days when as a young school it was fighting for its very life; through the great three year fight in the Massachusetts Legislature for the power to grant a degree; through the days of the endowment campaign; down to the past year when the school left its rented rooms in old Tremont Temple, to take up its permanent quarters in its new and magnificent home on Beacon Hill.

But to review those years of our school's existence thoroughly would be to write the history of the school since its inception. This I have no desire to do, for one more worthy and able than I has written just such a chronicle.

Unequalled Spirit.

The Suffolk Law School, through its students and graduates, has become noted for one quality above all others. And that is the remarkable spirit of loyalty which characterizes the every act of these young men with reference to the school. It is a spirit which is unequalled in any other institution in the country. And the success which the Suffolk Law School has attained during the past few years, outside of the efforts and perseverance of its beloved Dean, must be largely ascribed to this spirit of loyalty which possesses every student who has ever studied at that institution.

There have been numerous instances of this unwavering allegiance, but perhaps none so great as that occasion of last March when Dean Archer proposed a bond issue to raise funds for a three story annex to the school, to be erected during the summer vacation.

The remarkable number of students who registered for the year nineteen-fourteen and fifteen, and the large number who registered during the school year convinced Dean Archer of the absolute necessity of an addition to the school to accommodate the hundreds of new students who would enter in the fall of nineteen-fifteen.

The school owned twelve-hundred square feet of land in the rear of the school building, and it was planned to erect upon it a three-story addition, thus solving the problem of threatened crowded quarters.

Loyalty of Students.

A loyal student of the school, a building contractor, offered to handle the work for the Dean at a minimum cost. As a result tentative plans were drawn up and the cost agreed on. The contractor guaranteed to have it completed by the first day of September.

The Dean discussed the question with the students. Having himself

(Continued on Page 19.)
Alumni Jottings

Reported by W. F. O'DONNELL, JR., '15.

A large number of graduates have visited the school recently to pay their respects to Dean Archer. They were all greatly impressed with the new building and predicted a bright and prosperous future for the school.

Chas. A. DeCourcey, 1915, of East Boston, is receiving congratulations from his many friends as a result of his passing the recent bar examination.

"Charlie" was one of the most popular men in the school. He was vice-president of his class, class valedictorian, and in his junior year was awarded the Calahan prize for excellence in his studies.

Joseph A. Murphy, 1915, was recently appointed bailiff in the U. S. Marshal's office. Murphy was president of the class of 1915 and also class orator.

"Charlie" O'Connor, class of 1913, of South Boston, has been so busy since passing the bar that he has hardly had an opportunity of "drawing a deep breath." You see, "Charlie" is in the Health Department of the City of Boston and is handling his law practice on the side. But the latter is making more and more insistent demands upon his time and it is expected that he will have to give up one position. "Charlie" is in the law office of Judge Day of the South Boston Court.

John Haley, 1915, of South Boston, is one of Suffolk's most loyal alumnus. He is boosting from early morn till late at night. He declares that Suffolk Law School is the coming school, and places the entire credit for the great success of the institution in Dean Archer. John claims that it was the perseverance and tenacity of purpose of the Dean and his great fight against powerful opposition which brought the Suffolk Law School from practically nothing to be one of the leading evening law schools of the country. And we more than half agree with John.

It is good news to hear that Mulkern, 1912, is being boosted for a judgeship. "Mull" was a pretty clever student while in school, and we are confident that with his knowledge of human nature he would make a wise and good judge.

Carl Collar of the class of 1909, who has for many years been connected with The White Star Steamship Line, has recently received a splendid promotion in being sent to San Francisco to take charge of the finances of the new branch that is being established there. Mr. Collar was one of the first students tutored by Dean Archer during the year preceding the founding of the school. He was admitted to the Massachusetts Bar in January, 1909, after two and one-half years of study. The school was then under the three year system. He enjoys the distinction of having been the second man to pass the Bar from the Suffolk School, and also of having been a member of the first graduating class.
Developing the
Judicial Mind

Good Advice To Students By One Of The Instructors---The Proper Way To Study And The Right Way To Answer.

By A. CHESLEY YORK, LL. B.
Member of the Faculty.

The one great desideratum among lawyers and especially judges, for the latter are necessarily chosen from the ranks of the former, is the proud possession of that somewhat indefinable quantity commonly spoken of as the "legal" or "judicial mind." It is extremely difficult, perhaps impossible, to formulate a satisfactory definition of this phrase, and yet all lawyers and law students have a more or less instinctive idea just what it means and envy him who is fortunate enough to possess it.

If asked to explain it we universally turn to the famous lawyers of the past who admittedly possessed it, and as we read of their achievements in the conduct of some important case we admire and envy the masterful method of separating the wheat from the chaff, the quick, unerring discernment, the sure, clear, logical striking at the very kernel of the matter in hand which characterized them and we feel the presence of that "something" which distinguishes them from others of our noble profession.

The True Lawyer.

At the outset it should be observed that there is a vast difference between a mere "member of the bar" and a "lawyer," for while all lawyers must under modern conditions necessarily be members of the bar, nevertheless, I regret to say that it is unquestionably true that all members of the bar are not necessarily and by virtue thereof "lawyers."

To merit enrollment in the ranks of the latter there must be a presence of that golden acquirement which forms the subject of my theme, to wit, the "judicial mind."

How then, may this be acquired by the law student?

In answer to this question it may be candidly said that there is no formula therefor which can be laid down with mathematical accuracy. The law is an applied science and the lawyer as the instrument chosen to apply it is first of all necessarily HUMAN, therefore, subject to all human impulses and frailties to which the flesh is heir and each one consequently differs from his legal brother in many ways and moods.

It is a well recognized fact that in spite of certain lofty sentiments set forth in our famous Declaration of Independence and reiterated in the Constitution of our own Commonwealth, all men are not in fact created free or equal in the fullest sense, although in the political sense in which that phrase is used by its distinguished author we believe that in this glorious country of ours, at least, all men are and should be free and equal. On this point, however, there may be a difference of opinion upon which it is not within the province of this article to touch.

The Embryo Attorney.

Therefore, we must take the embryo lawyer as we find him on his entrance into law school, pos-

(Continued on Page 25.)
Lawyers and Social Service

Attorneys Popularized By Modern Needs---Development of Men Big Enough To Battle In Adversity.

By Judge WILLIAM J. DAY, A. B., M. A., LL. B.
Associate Justice of the South Boston District Court

Our social system offers a lawyer who is anyway inclined to help his fellow-man a wide field for social welfare work or social service. The lawyer finds himself more popular in New England nowadays than in the time of the Puritans, those drab-colored gentlemen who saw little happiness in life and who, as Macaulay says, did not like bear-baiting, not because of the cruelty to the bear but because of the pleasure that it gave the spectators. Puritans thought lawyers were unfitted for any kind of social service.

As our civilization in the new world advanced and men became less stern and the Puritan descendants began to thaw out, the attorney was thought better of.

Americans began to look around them and founded a government of laws and not of men. The Puritans were left behind and the law and the lawyers played an important part in government. It began to develop that everyone should know something of the state in which he lives, its people and their occupation. Every man has something—at least a bud of the flower of public spirit, something of the reformer's fire and zeal, something of the sacred flame of an ambition to leave the world better than he found it.

Lawyers on Watch Tower.

The lawyer stood on the watch-tower of American civilization. Americans were occupied in blazing a path for their children. They were too busy cutting down trees and wresting an existence from an "unwilling soil" to give themselves up entirely to the finesse of law and government. They were children of nature. But they soon began to learn that nature is not man, and natural forces are not society, and herds of cattle are not associations. Men are a part of the natural world. They have put themselves into the miasmatic swamps and cleared them; they have mixed their ideas with the furrows which have modified the very climate and driven fever and ague out of the darkness of ignorant communities. Nature, then, must be brought within the range of our thought as to society.

The community is composed of individual persons. It is well for the lawyer to know something of the bricks which are built into that edifice. Human beings on one side are animals with the physical structure, organs and appetites of the higher animals. In another aspect they are minds, beings who think, who aspire, who have emotions, who reason, who resolve, who have a capacity and an inclination to society.

The Two-Sided Humans.

These animal-spirits, creatures of two worlds so strangely and wonderfully joined, have built what we call a community. Looking on this society steadily, and with the help of previous reflections and analyses, certain great classes of facts begin to come out,—institutions, customs, groups of persons.

The first of these which memory begins is the family. The first we knew of ourselves we were already taking part in a
social institution, sometimes as petted favorites, sometimes as disgraceful rebels.

Our next personal reminiscence is usually that of a school house, another social institution, where we were actors and sufferers. The teacher represented to us the dignity of life, the personification of government, the Czar, whose laws were enforced by law, for not by the sword did she seek justice, but by the rattan properly applied, for the teacher was the regulator of conduct, the guide of life. In the absence of the parents she assumed the duties and powers of the father and mother. Under such tuition we learned the instruments of speech and thought more perfectly, and in the conflicts and plays of the recess we became acquainted with the desires, the wants, the elemental forces of society.

As we take a bird's eye view of the complex civilization today and see the differences of race and classes, we say to ourselves these are but natural. Classes were formed in the school-yard. We took a dislike to that fellow because he "put on airs"; to that other chap because he lived away from our home, geographical reasons being brought into play. The gang in the school-yard was one of these elemental forces. The gang was the germ which developed and fructified in a fraternity as we advanced in years. The childish games brought us industry, which games often imitated the occupations of our elders. Social impulses of imitation and affection, of command and authority, led us to share more and more the occupations of kitchen, garden, field, shop and market.

Within the home the theme of religion was discussed. Perhaps there was the rite of family worship, the child's prayer at night by the mother's knee, or the devotions led by one of the parents. The Sunday-school, too, was an early introduction into this mysterious world where human beings spoke to an Invisible Person. We learned thus, step by step, the social meaning of the church.

All this time there was coming, more or less often, into the range of thought and interest, the GOVERNMENT.

At the table something is said of a shocking murder, of the search for the murderer, of his arrest, of his detention in jail, of his trial, and the unfolding of a terrible story of greed, lust or revenge; of the night when the jury was shut up, debating the sentence; of the solemn verdict; and, finally, the awful doom hidden in the obscure shadows of a private execution. Or in some less sensational yet impressive way the functions of the state have been isolated in our thoughts from those of parents, teachers, pastors and editors.

The stirring scenes of a political campaign, the torchlight processions, the noisy crowds and bursting powder, the red-fire, so dear to the heart of the boy, the eloquent speeches, so wonderful to youth, the irresistible charm about the candidate for office in our days of hero-worship, have stirred the civic feeling and made each citizen become conscious of his powers, interests and duties in relation to government.

Thus one by one, yet all together, out of the dark clouds of infantile ignorance each social member becomes aware that he has entered a world of institutions,—home, school, industry, church, and state.

(The second installment will appear in November issue.)
Harry Wainshell, news writer, of Lynn, is running for the Legislature in Essex County. Harry could originally talk three languages, English, Yiddish, and pure “Slang.” As there are many French and Germans in his district, he is rapidly gaining fluency in those tongues. Harry says he is non-partisan with regard to the European war, and declares that he is much more interested in his own “Battle” for the House. Good luck, Harry!

This boy Carver ought to make a rattling good “politician.” You know, he has that cordial grasp of the hand, the pat of the back, and the ever-ready smile that are the assets of every successful “pol.”

To quote Professor McEvilla: “You know, these fellows who try to pass the bar make a big mistake when they study up outside stuff. They ought to plug the old Suffolk Law notes and read plenty of cases, and it would do them more good.” “Mac” should know, and then again, why should he? He’s a corking good student, but he hasn’t passed the bar himself yet. But as regards “Mac’s” chance of passing the bar next June, knowing him as we do, we are willing to lay our bets on him.

Ex-Rep. Dahlborg is positive that oil, sulphur and matches should be judicially noticed as being part of a grocery store equipment, in his native town of Brockton. When E. gets by the bar and starts practicing in a “real” city, he probably will change his views.

George Hogan claims to be a non-hyphenated American and gets away with it. George is a hyphenated student, however, being a cross between a Senior and Sophomore and counting a host of friends in each class. He is doing Suffolk Law School in two years, having studied law before entering the school.

“Bay State” Joyce, our dapper fellow classmate, can surely carry on a competent (?) argument on the benefits to be derived from a six-cent fare. Not that we care how much Friend Joyce airs his views, but if by chance he should convince the P. S. Commission that he is right, then it hurts us in the pocketbook.

“Bill” Henry, already an attorney, who attends Suffolk to brush up on legal matters, and incidentally to “cop” a degree, has been very busy this summer. You see, it’s like this, “Bill” has been hearing “Grand Opera” (?) on a new fangled graphophone. William declares that the opera he likes best is “International Rag.”

Ever notice how Gornstein seems to be “there” in his knowledge of the law? Here’s the answer: Isadore claims that business has been bad for a couple of years. He has to pay the rent anyway, so he says, “No photographing, no work; no work, more time to study.” There you are.
NEWSPAPERS and LIBEL

Pitfalls Into Which The Public Press May Fall and Some Peculiarities of The Law.

By KARL G. BAKER, '16

The danger of publishing a statement, or statements, of a derogatory or defamatory character, or of printing a picture or effigy, calculated to bring the victim of the words or pictures used into hatred, ridicule or disgrace, is an easy pitfall into which any modern, hustling, rapid-fire American newspaper may easily fall in these days of doing all things in a minimum of time.

The newspaper publisher is solely liable for all cases of libel occurring in his publication, and upon which legal action is taken by the party wronged, even though he had no knowledge of the libellous matter printed and never saw the libellous words, figures, cartoons or print until he read his own published pages. He is likewise liable for the libel even though it was printed against his express orders. All this rather sets the law of libel in a legal class of its own with regard to published defamatory matter in the public prints.

Defamatory Language.

Now language spoken of as defamatory is always to be understood to be false language, in any discussion of libel, for truth is always a defense to an action for written defamation, or libel unless actual malice can be proved.

Neither newspaper publishers or editors are ordinarily so foolhardy as to print, or allow to be printed, open, affirmative and direct charges against any man, woman or child in the community where the newspaper may be published: although the temerity of some editors is at times appalling.

Statements may be libellous, however, even if indirect, so as to derive their legally damning character merely from inference. Satire, insinuation, irony and allegory do not sufficiently mask libellous thought, words or intent, so that the offending party may escape punishment in case successful legal suit is brought to completion against him.

The law of libel is broader and more serious than the law of slander. Written words actionable per se are these: (1) imputation of having committed a crime; (2) injuring one in his trade, profession or business; (3) imputing the having of a loathsome disease, such as leprosy, and (4) unfitness or want of integrity in performing the duties of a public office. The third class does not include insanity. (See Johannes v. Burt 6 Allen 236). In Doyle v. Kirby, 184 Mass. 409, it was held that a statement that a voter had sold his vote is not actionable per se, because such an act is not a crime in this state.

Close Cut Case.

Cooper vs. Greely, 1 Denio (N. Y.) 547 shows how imputed libel cuts close at times by inference. The following words, held by the court to be libellous, were offered as evidence:

"Mr. Cooper (plaintiff) will have to bring his action to trial somewhere. He will not like to bring it in New York, for we are known here; nor in Otsego, for he is known there."

We have mentioned above that the truth of the charge, if fully proved, is, in the absence of statute a defense to an action for damages for publishing alleged defamation, and this is so, if the written words are malicious and not reasonably be-
lieved to be true. The law holds it logically follows that a man's real character suffers no damage from others publishing the truth about him. In some courts it has been held that publication regarding a past commission of crime is justifiable and that therefore no action for libel lies, although this is undoubtedly pushing the legal principle involved far.

That the newspaper publisher believes in the truth of the published accusation is, however, quite another matter, and this furnishes no defense to the publisher. But the defendant publisher may prove, in mitigation of damages, acts of the plaintiff tending to create a reasonable suspicion that the matters charged are true.

Truthful portrayal by cartoon, with physical defects exaggerated, is no defense or justification of publication where the plaintiff can prove malice. A man's physical shortcomings are so far protected.

Newspaper writers have invented what are commonly called "crutches," for protection from libel suits. Practically never does a newspaper say a man is guilty unless he has so been found by the courts. "Alleged murder," etc., "it is claimed by the prosecutor," and like subtle phrases are used to save the owners and operators of the public prints. Direct charges are dangerous.

Always on Guard.

Nearly all newspapers, today, employ a vigilant crew of "rewrite" men who beat the "copy" of tyros at the game, into shape, and who are eternally on guard against penned words of libellous character getting into the newspaper. But even the keen eyes and brains of the rewrite men, linotypers, proof-readers, editors and publisher are sometimes inadequate and libel will creep into the publication.

Newspapers may print some otherwise libellous matter under certain conditions without danger of prosecution for libel—that is, they may faithfully print, without undue comment, absolutely privileged communications. Prima facie privileged communications also may safely be printed, if not published maliciously. This "privileged" material generally reaches newspapers in the way of legislative, executive and judicial reports of one sort or another. Reporters may faithfully report the doings of such bodies. Court trials also may safely be literally reported if the language used in newspapers is relevant to the cause at issue in court.

Statements made to a husband about his wife, by a stranger, are not privileged. See Beale v. Thompson, 149 Mass. 405. Nor are such statements to a young lady concerning her betrothed. (5 Allen 169.)

Interesting Cases.

Publication in a newspaper warning people not to pay money to A "who has assumed to collect for me" is probably privileged. So is publication by leave and license or by procurement of plaintiff. See Christopher v. Akin S. J. S., May 19, 1913, and Howland v. Blake Mfg. Co., 156 Mass. 543.

Of late years the courts appear to be somewhat more lenient, with regard to giving any newspaper publisher a jail sentence when he is found guilty of criminal libel. A money penalty appears to be the general rule for a first offense, at least. The writer reported two recent newspaper libel suits in a nearby county and each of these was settled as stated. Judges fortunately, are imbued with the idea of a free press as an incident and necessary to life under the flag which floats over the "land of the free and the homes of the brave," and it is well that this is so; for there is possibly no easier suit to bring or maintain than one for libel against a newspaper.
Objects of Suffolk Law School Register

A magazine, like an individual, may well have stage fright. So, in this, its maiden number, the Suffolk Law School Register asks the leniency of student readers, and others who may peruse these pages, for any errors which may have crept into this—the embarking issue of a new enterprise.

The Register must have value, for it has been produced by men who love Suffolk Law School, who honor and respect Dean Gleason L. Archer, and who believe in the unequalled merits of this, one of the largest law schools in America.

The editors have several objects in view. First, to show to the outside world what manner of men we are and our mettle.

Second, to furnish students with a magazine so inherently valuable that it will never be thrown aside, after reading, but will be a fixture on the library table of each and every man of this school, student or alumnus.

And thirdly, to clarify, here and there, some of the most difficult points in the vast and endless study of law—the lack of such study and knowledge and respect for laws called by President Taft the weak point in the arch of modern American life.

In a school as large as ours the men cannot all become personally acquainted, salutary as such an acquaintance would prove to be. Let every student then acquaint himself with his fellows through the pages of this monthly school magazine.

What you write for this, your school paper and ours, will be read by many eyes and we, of the Editorial Board, need your aid in making this magazine the best law school publication issued in this country—even as we believe that the Suffolk Law School is the best evening law school in this country.

Water always rises to its own level. The highest ambition of the editors is to have the Register rise to the high level of our students.

We believe, with Governor David I. Walsh, whose name is forever endeared to us, that men employed all day in various kinds of hard work who will forego the pleasures of social evening calls to study law must be purposeful men—fellows of grit, staunch character, and individuals possessing the elements which make for eventual success.

Let the Suffolk Law School Register reflect, mirrorlike, the true character of our student body, of our capable and efficient Dean, and of our estimable and unequalled faculty.

TO THE FRESHMAN CLASS

We welcome you to Suffolk. The friendly portals of our beloved school open wide to receive you. We bid you enter into an institution where race, color and
creed hold no place; where bigotry and prejudice are unknown—into a school which solicits the attendance of ambitious, intelligent and honorable men such as you.

We are proud of the spirit of hospitality, loyalty and cooperation which exists in our school, and to you, the freshman class of 1915, do we extend a most cordial invitation to participate in that spirit.

Suffolk Law School and all that it symbolizes is held sacred in the minds and hearts of its hundreds of students and graduates. We urge upon you, the class of 1919, a perpetuation of those ideals.

You are now Sons of Suffolk. In you and those who are to come after, rests the future of our school. Support its institutions, seek high scholarship, be a credit to your school. Whatever you do, see that that act reflects honor upon the school which you have chosen as your own. Show to the world that Suffolk stands for honesty, diligence and fairness.

ESSENTIALS OF A TRUE GENTLEMAN.

This little editorial suggests itself to us, on this, our first appearance in the magazine field, because an attorney-at-law is nothing if he lacks the essentials of a true gentleman. There may be some so-called successful attorneys who are scarcely gentlemen; but these are the exceptions who prove the rule. Success in law, as in other professional lines, is based in principle on careful character building, the fruits of which are a pleasing personality and a love for one's fellowmen, two far from puerile attributes.

First, an attorney-at-law should be an absolutely honest, upright, square-dealing man. He owes this to his God, whatever his creed, to his fellowmen, to his high and noble profession, law being rooted in the very soul of the civilized world, and lastly to himself.

The day of the dishonest and crooked man is past in all professions and lines of business. One such has finished, and finished poorly, before he has begun. He has lost the game before starting to play.

The word "gentleman" means a man who is "gentle." It means a man to whom the Fatherhood of God and the Brotherhood of Man are essential characteristics, indispensable as life itself.

Secondly, a gentleman is one to whom a business appointment is a "specialty" in the true meaning of the word at law. A business appointment cannot be broken by a true gentleman for any cause save actual illness or sudden death.

A true gentleman also answers all correspondence, no matter how humble may be the man who has written to him.

Thirdly, a true gentleman is one who, in these days of rush, flurry and half-doing things can still keep firm of purpose, true as steel when his word is once given, and square enough to do his assigned tasks with no thought of whimpering or dodging the issue.

The true gentleman is the most admirable type of man in the world. He is a man who believes heartily in others, legally and otherwise. He is a man to whom emoluments come unsought, unasked and unexpected. He is a living proof of the significance of that never to be forgotten verse made immortal by the wisest teacher of all times who said: "Cast thy bread upon the waters; and it shall return unto thee after many days."

"Gus" Crosby has his name painted upon the door of a finely appointed office—"Williams and Hamelin, Grossman Building, Lynn."
We are pleased to note that Rear Admiral Ransom (retired) is again in our midst. Who is he? Why, haven't you ever seen that sprightly, youthful fellow, younger than the youngest, yet older than the oldest, who strolls into the lecture about 5:50 every night? The Admiral is noted as being the only one in the class to never ask a question.

We appoint John Drea a committee of one to make the new "uns" feel at home.

"Hoot Mon" McGuick is with "ees" again.

We understand the Sophs intend to run a dance and that the Juniors are to be invited so as to lend dignity to the occasion.

"The smile that never comes off" has earned "Joe" Parks the sobriquet of "Sunny Joe."

It is rumored that Rosenfield, Paine and Rogers have been asked by the Sophs to be matrons at the dance. They refuse to affirm or deny the report.

"Judge" Porter smiles complacently as he views the Annex, and rightly so, for he was the gentleman who did the "yob."

To all the Juniors—a successful year.

Piffle that is never pulled:
"Well, boy, I hope the coming year will be harder than the past one."

Instructors, attention! It is reported that Cashman has a new supply of contra opinions in stock.

A Legal Alphabet

STEVE A. McALEER, '18.

A stands for Archer, beloved both near and far;
R stands for Contracts, and also for charity.
C means hours of study, perhaps of hilarity;
E for the Ethics, and what we all must do,
R the reward, the recompense the Dean will give to you.
O is an exclamation we sometimes may use,
N of always, however, when there's nothing to lose.
C stands for choice between different schools,
O as a capital is ours, so why be a fool?
N stands for now, and a name will be thine,
T for a tryout at this opportune time,
R is the reason why I am writing this,
A is the answer, which I hope don't miss.
C stands for the crown that always comes some day,
T o those who realize the things of life that pay;
S such I wish for you and me, and now I'll close my lay.

Brother Frederick A. Harris, Librarian, is with us again; but lo! He's a Benedict! The event of his return was celebrated by three rousing cheers by the class.
no great abundance of worldly goods, he having drained his purse in the establishing and building of the school, he was forced to rely upon the loyalty of the students to aid him in the exigency at hand.

He proposed to them a bond issue to cover the cost of the new building.

The students were enthusiastic over the plans, and vindicated the Dean’s confidence in their loyalty by subscribing for nearly the entire issue in one evening.

The success of the venture now being assured, all that remained was to await the closing of the school year, when work might be started.

On the evening of May 26th, at the Commencement exercises of the Suffolk Law School, Dean Archer announced that he had, that day, been present at another commencement, perhaps not surrounded by quite as much pomp and ceremony as the evening exercises, but equally as important. And that was the commencement of operations on the new addition to the school.

If the workmen believed that all would be plain sailing, they were to be doomed to disappointment. For shortly after beginning their work they made a series of discoveries which forced them to alter their plan of procedure. Many a trace of Boston’s early days was uncovered by the surprised workmen.

But let us use the language of Dean Archer in describing the many discoveries:

“Excavating for the foundation was like uncovering the ruins of Pompeii, for many feet below the apparently solid earth, underneath the brick pavement of the back yard, and even beneath the foundation of a former division wall in which were granite boulders weighing many tons, were found two ancient brick vaults and an earth-filled cistern. Two wells of great depth were also discovered, one of them one hundred and twenty-five feet and the other about 150 feet deep.

“These cisterns and vaults hark back to the days when Boston was a mere village without water supply or sewerage system, and it is surprising that any builders should not have discovered their forgotten location in construction work on the premises in the past fifty years.

“But the find perhaps of the greatest interest to the antiquary were hand-made primitive bricks, dating back to the very settlement of Boston. These bricks were small and very irregular, of a pale color, having been sun dried or prepared with little heat. They were found in what was probably an ancient foundation of some forgotten edifice, doubtless one of the very first in Boston.

**Founded on Rock.**

“One of the surprises that awaited the men who were excavating, was the presence of immense boulders, in such numbers and weight that the original plan of a concrete foundation had to be abandoned and a solid base of granite substituted. Another interesting feature is that in one place a streak of soft clay and sand was encountered making necessary excavations to the depth of twenty feet before solid bottom was struck.”

The ell of the school building gave proof that it was very old, for several of the windows which were removed bore signatures evidently scratched with diamond, varying in date from 1850 onwards.

After completing the foundation, work progressed rapidly, and by the first week in September our new annex was ready for occupancy.

*(Continued on page 30.)*
MASSACHUSETTS BAR EXAMINATION
December 31, 1910
AFTERNOON PAPER
(2 P. M. to 5 P. M.)

DIRECTIONS
1. Write your name on the outside of your examination book.
2. Write each answer on the proper page.
3. In giving reasons for your answers state concisely the rule or principle of law involved.

QUESTIONS.
1. Deane brought a writ of entry against Crane to recover a parcel of land. At the trial Deane offered in evidence a plan which included the demanded premises and a much larger area, and which showed boundaries between several different owners. The plan bore no date or signature. There was no evidence other than an inspection of the plan itself to show for whom it was made. To support the plan Deane offered evidence tending to prove that it had been made by a surveyor who, at the time of the trial, had been dead forty years; that other surveyors had used it in their surveys; that the plan had been in the possession of one Doe, a lawyer, then deceased; that demandant had procured it from Doe's executor. The Court, against Crane's objection, admitted the plan.

Was the Court's action correct?

2. In an action of tort against the town of Sheffield to recover damages for personal injuries occasioned by a defect in a highway, the town offered evidence which was admitted by the Court, of a conversation between the plaintiff and the selectmen of the town, when the selectmen asked the plaintiff how he would settle with the town. The selectmen testified that the plaintiff stated in answer that his doctor's bill was $100; that he received $60 a month wages, and that he would settle for two months' wages, his doctor's bill and $300. Should his exceptions duly saved to the admission of the foregoing evidence be sustained either in whole or in part?

3. Parker brought an action against Drake to recover possession of a parcel of land. At the trial Parker proved that Drake had occupied the premises for some months as a tenant at will of Owens; that Drake had failed to pay his rent; that Owens had made a written lease, under seal, of the premises to Parker; that Parker had given written notice of that fact to Drake, requiring him to vacate the premises within a time specified, which was admitted to be reasonable, and that this action was brought at the expiration of that time. Drake requested the Court to rule that the burden of proof was upon the plaintiff to show that Owens had such title that he could make a valid written lease. Should this ruling have been given?

4. A and B, citizens of Boston, enter into a contract in writing for the sale by A to B of real estate situate in New York. A refuses to convey and B brings a bill in equity in the courts of Massachusetts for specific performance. A's defence is that the Massachusetts court has no jurisdiction.

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buildings in the exclusive section of residential Boston? So I passed on to Louisburg Square and finally turned through some of the winding cross streets until I gained Beacon Street.

I strolled for some time in the brisk evening air. I have no clear recollection of when my thoughts first turned to the incident of the afternoon, but turn to it they did, and before I had retraced my way to my lodgings I was so completely dominated by the thought of teaching law that, absurd as I told myself it was, I could not refrain from mentioning it to my brother Hiram J. Archer, who roomed with me.

My brother was also studying law, but not at that time in law school. He had recently undergone a long tubercular illness that had so completely shattered his health that even to this day he is not a well man. But he was rooming with me and studying law, in fact, he may be termed my first pupil, for it was largely from my lecture notes and my occasional assistance that he so far mastered the law that he passed the Massachusetts bar examination six months after I did.

He was older than I, and I had great respect for his judgment. I wonder even now what would have been the fate of the Suffolk Law School if he had discouraged my project while I was yet uncertain as to the course I should pursue. He understood as well as I did the great amount of work I had mapped out for the year, but he caught the idea instantly and approved of it most heartily.

By this time I had evolved the plan of trying to induce other young men to come into the class and thus make it more feasible from every point of view. It afterward transpired that had I not secured others, my class would have ended abruptly within a few weeks of its formation, but a kindly Providence seems to have directed my every move.

I remembered a young man of my acquaintance who had remarked in my hearing some months before that he wished he could study law. He worked in Boston and the plan might appeal to him. At any rate it would do no harm to try.

In casting about for others who might be interested in the plan, I betook myself of a second cousin of mine, Carl Collar, an ambitious young man whom I had tried to persuade to go to Boston University College of Liberal Arts the year before, but who had secured a responsible position with a steamship company in Boston and had given up the idea of college. Knowing him as I did, I had confidence that the plan would appeal to him, and I resolved to see him the next day.

Ponder as we did upon it, my brother and I could not recall any other men who were likely prospects. No way of securing other men remained open except resorting to outright advertising, which I finally decided to do.

I did very little studying the balance of the evening and spent a wakeful night as I always do when any immature plan is on my mind. It may be a common experience of men who do much thinking or planning, but with me until a plan is complete or until a problem is thoroughly worked out, I can never count upon a night’s sleep. However weary I may be when I go to bed and however soundly I may sleep at first I am sure to awaken

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and in fact everything that requires moving, is with a bamboo pole on the shoulders of coolies. It is very surprising what heavy loads they can carry in this way. The wages paid are from 20 to 30 cents a day. Women are employed in building, for carrying bricks, lime and rock. The responsible positions in the banks and other financial institutions are held by Chinamen.

Funerals Are Spectacular.
A funeral in Hong Kong is a spectacular affair and requires considerable preparation. The one witnessed was of a Mandarin, and he had to be buried in keeping with the custom of the country with all the pomp and ceremony befitting his station. The coffin was very heavy and resembled a hollowed-out log. The ends were closed with heavy timber and the joints were made air-tight with cement. The procession, which was over a mile long, required over 500 people to carry banners and pagodas. It made a display of marching about town, after which it proceeded to the house of the deceased. From there a start was made for the cemetery.

Boys, carrying large paper images led the way, followed by fifty or more funeral pagodas fancifully decorated, eight of which were used to carry roasted pigs, and as many more for the carriage of cakes, candies and fruit. One pagoda had a large oil painting of the deceased. Five or six bands, scattered through the procession, made the air tremble with their hideous music. The coffin, in a bamboo frame covered with cloth, was borne on the shoulders of sixteen coolies, and following this came the male relatives with hired mourners, and then the female relatives and their hired mourners.

At the foot of the hill, which led to the burying ground, the coffin was taken out of the frame and set upon two trestles, a bonfire was made of the paper images, candles were lighted and incense burned. The priests offered prayers and the relatives and mourners in turn knelt in front of the coffin and, with a stick of incense in their hands, bowed three times to the earth.

Ceremony of the Rooster.
After these ceremonies the procession disbanded and only the male relatives and a few friends followed the corpse to the burial place on a high hill. Here refreshments were served, consisting of cakes, soda water, lemonade, and cigars. When this was finished the coffin was lowered into the grave, while the priest rang a bell. When the grave was about half filled, the priest took some small coins and, standing at the head of the grave, scattered the money in all directions. He then took a rooster and threw it across the grave into the lap of one of the relatives, who, to prevent bad luck, was obliged to catch it. The grave was then filled in and the dead left to rest in peace.

The Cities of the Dead.
Near most of the cemeteries the Chinese have what is called a city of the dead. These are houses built to take care of the remains until such time as a lucky burial-place is found. Incense is burned here and offerings of cake, fruit, and tea are made, the latter being changed morning and night. For these attentions and storage a charge is made, and when the payments are no longer forthcoming
the body is taken out and buried.

The very poor people, who cannot pay storage, keep the body in their house or yard until the coffin falls to pieces.

A wedding procession has many features similar to a funeral cortege. It has the same music and pagodas, but the uniforms of the marchers are red and those of a funeral are white. A chair is carried, very gaudily trimmed, but unoccupied, after which comes a number of "loudly" dressed heralds, followed by the bride seated in a covered Sedan chair. The air is full of paper and fireworks while the parade is moving to the house of the groom.

Here the bride and groom see each other for the first time, and should the groom be displeased with the selection made for him, he sends her back. Even after he has lived with her he can dispose of her in the same manner without any divorce proceedings.

Description of Canton.

The city of Canton, the largest in China, is about ninety miles from Hong Kong. The sail up the river is very interesting. We passed old walled towns and pagodas, five and in some cases nine stories high, decorated by a number of pirates' heads put up on poles.

In the city, there were no streets as we know them. The space between the buildings facing each other was only about six feet. In these narrow passages a visitor could ride for miles and miles in a chair carried by coolies. There was a steady stream of people passing all the time, carrying heavy loads of goods on their shoulders. There were neither horses nor wagons, everything being carried suspended from a bamboo pole. There was no sewerage or water works. Canton was and still is called the "city of ten thousand smells," but this census must have been taken many years ago. There were places where noxious odors were so powerful as to almost stagger any one unfortunate enough to be near them.

All the shops in a street carry the same line of goods. We passed several butcher shops in which dogs and cats and even rats, nicely dressed, were exposed for sale. The only place where we could eat our lunch the first day, was at the top of an old pagoda. When you get to China you have got to eat anything you can get and be mighty thankful you can eat at all.

We visited the temple of the five hundred gods. Here the visitor can find a god for anything he wishes. Before one of them, on a small altar, we noticed two pieces of wood about five by two inches. They were flat on one side and convex on the other. The idea is to place the flat sides together and, holding them high in the air, drop them; if the flat sides strike the floor the petitioner's prayer will be answered, but if they do not he must try another day.

Chinese Criminal Court.

The second day, we visited the criminal court. At the entrance to the Court House, on the right, were a number of prisoners in stocks, being tortured. On the left was a poor fellow, being slowly strangled to death. He was in a cage which fitted closely about his neck, while under his feet were placed three blocks of wood, and each day, one of these was taken away. When we saw him there was only one block under him, and he was standing on his toes. His tongue and eyes were swollen and he was more dead than alive.

The court room was like a barn in appearance. There was a wooden table, covered with straw matting and red cloth on the top and sides, and back of this was a screen, upon which was painted the Goddess of

(Continued on page 28.)
"Mike" Tracey, whisper it softly, has been converted to woman suffrage, and has already spoken from the public platform in favor of it. The honorable "M. J." is a big influence by virtue of his position as secretary-treasurer of the United Shoe Workers of America, and the advocates of suffrage made a ten-strike when they swung him to their way of thinking.

"Jerry" Watson was one of the most loyal and consistent rooters for the Red Sox on their climb to the pennant this season. It was indeed a good sight any afternoon to see the inimitable "Jerry," John Dever, and the rest of the "boys" in their box "Whooping it up," and believe us they sure can root. President Lannin of the "Sox" showed his appreciation of "Jerry's" loyalty by setting a special "day" aside for him, September 27.

The "Sophs" are thinking seriously of running a dance the early part of November or December, mainly for the purpose of giving the boys a chance to ease up from the strain of studying, and get better acquainted. It is believed that the proceeds will go towards books for the library. It is up to the class officers to boost the thing along, and the other members of the class will only be too glad to back them up.

We have with us today Mr. George F. Hogan. By Jove, but we're glad to see you back, George. We were afraid that we would lose your genial smile and cheery presence this year.

Dean Archer stated that he could not remember the faces of most of the students because they were smooth faced, but found it easier to keep in mind the men with "mustachios." J. A. W. said, "You mean we old men." Dean Archer answered, "None of us are old." G. F. H., down in the front of the room, began to smile broadly. I wonder why?

Dan McGillicuddy wishes to deny the report that he is any relation to Connie Mack, the elongated manager of the Philadelphia Athletics. He declares that someone is trying to injure him in his business, by tying him up with a loser.

Samuel Pofcher, "The Little Giant," is on the war path for the chap who took possession of his case book.

Instructor:—"Who may be an agent?"
Student:—"Anyone may be an agent, providing he is not too young in intellect or too weak in years."

Instructor asks brilliant student in rear of room a question. A short pause, during which the young man is enlightened by various fellow students. Instructor:—"Well, you should know now with so many telling you." Student:—"Yes, but there is a difference of opinion."

Overheard in library:—"Life is just one quiz after another."
sessed as he is of all human qualities, victim of or benefited by the vast and more or less controlling influences of heredity, opportunity, and environment, and attempt to train him to become a lawyer, not only by causing him to wade laboriously through large sheep bound tomes and to assimilate a set of rules, theories and maxims, but what is far more important and absolutely essential, to instruct him how to REASON; to carefully dissect, analyze and weigh in a well-balanced mind a given proposition and after doing this to logically apply the proper principles of law thereto. This I believe is the true foundation for the creation of a "judicial mind" and it is the purpose of the law school to develop this quality by a carefully tried out and thought out systematic course of training which experience has found best adapted to the surest attainment of this very object.

We must begin with the law student on the very day of his entrance into law school, and, being careful always not to destroy his native individuality, attempt to mould and develop him in the science of the law.

The law is a most universal science since it enters into every phase of human endeavor. Hence, it is fundamental and necessary that our prospective lawyer shall first be a well read, practical man of affairs, conversant with all conditions of human life and human endeavor, and likewise more or less familiar with the history of human experience in the past. In short, he must be a continual student, and every scrap of knowledge which he can acquire should be carefully stored in his memory, for it may be of inestimable value at some unexpected time.

Versatility Needed.

The lawyer of today must also necessarily be a most versatile man, for he is actually called upon at one moment to have the knowledge of a physician, next an engineer, next a navigator, and so on. It is this continual touching upon all branches of science and modern conditions which makes the practice of the law so fascinating even though every new case means a thorough and hard study in a new and possibly unexplored field. The lawyer who attempts to cross-examine a Master in his own field without having previously acquired some knowledge of the same himself is doomed to swift and immediate disaster, and his case is hopelessly lost.

Because of these facts the standard of preliminary education required of the law student before he undertakes his study of the law is continually being raised and broadened. This is truly wise and well, if properly and consistently done.

Pre-supposing then that our law student meets these requirements to a satisfactory degree, he is now ready to undertake his study of the law.

For convenience the law is divided into various subjects, each depending upon and closely related to the others. These subjects, when collected, may be likened to a pyramid having for its base a foundation of the fundamental subjects, such as Torts, consisting of the legal rights, and duties between man and man in well regulated society, and Contracts. Then come the branches of contracts such as Agency for example, and then the various property rights and so one until the method of protecting and enforcing these rights is reached...
and the pyramid of the substantive and remedial subjects of the law is complete.

This is the usual way in which the law schools of today treat the study of the law, hence fundamental subjects are studied first in the Freshman year.

His First Steps.

Now since the law is an applied science, as I have before stated, the student is usually taught to actually apply the law as he studies it to specific facts, just as the lawyer is obliged to do in his every day practice. Since, however, it is not practical (or should I say safe or wise?) to permit the law student to actually deal with a living client, he is first permitted, as is his contemporary, the medical student, to “operate upon a corpse,” which, in the case of the law student consists of a “problem” involving facts of an actual case.

His method of dealing with this problem will show whether or not he has the necessary judicial mind; likewise whether or not he is properly keeping up and mastering his every day studies as he proceeds.

To the solution of his allotted problem the student must first learn to bring into action an unbiased mind, for the law stands for simple justice,—then carefully absorb his facts until he is absolutely familiar with them,—then when he is sure he has mastered them, to apply the law as he believes it should be applied to the particular case,—and finally, in clear, logical language and proper style proceed to write or state, as the case may be, his conclusions and decisions exactly as the practicing lawyer or Judge must do.

I lay special emphasis upon the fundamental essential of thoroughly understanding the facts of the problem, for in my experience as a teacher of law I have found, as I believe every other teacher has found, that by far the majority of the erroneous answers received to problems and examinations is due first of all to an improper understanding of the facts of the case, and this means swift and sure disaster to the student or practicing lawyer, no matter how well read he may be in the theory of the law. In other words, the student should be extremely careful not to “read into” the problem anything which is not there in fact, or to “read out” of it anything which is actually there.

It would be beautiful indeed if the facts of our cases or problems always suited our fancy, but, unfortunately, this is rarely, if ever, the case, and indeed there would be but little need of lawyers if the circumstance was different, for it is the “unknown quantity,” the puzzling, elusive little point which makes every case different and compels fresh study being brought to bear upon it.

Applying Law to the Facts.

We may next consider the application of the law to the facts or the answer to the problem. Unquestionably the next most frequently observed defect in answers to problems, quizzes or examinations is what I may term the tendency to “straddle” the question, that is, to so couch the answer that it may seem to be correct from any and all points of the compass; in short, to keep one foot on each side of the fence in the expectancy that partial credit at least will be obtained for the answer. Such an answer is absolutely worthless for it decides nothing and it is merely evidence of lack of courage, ignorance or mental laziness.

Akin to the above defect is that kind of an answer which “beats around the bush” carefully (Continued on page 30.)
TO THE FRESHMAN CLASS.

Maurice M. Walsh, '19.

Members of the First Year—we greet you;
Happy and bright be life's ways.
As joyous and beautiful as music
Be the hours of your future days.

Members of the First Year—exult;
Rejoice as you wend along.
Life's work is not so long or so dreary
But can be borne by cheerful song.

Members of the First Year—be happy;
Sing o'er your griefs and your wrongs.
Do your best to cheer and to brighten;
May sorrow give way to glad songs.

FRESHMAN NOTES.

"Cutey" McCann, the Beau Brummel from Nantasket, declares that the only fault he has to find with Suffolk is that there are none of the gentler sex around. Me-thinks the handsome "Mac" is seeking to puncture a few more fluttering hearts.

Maurice Walsh, our affable attendance clerk, is desirous of organizing a track team. "Handsome Morry" was Dorchester High's star runner recently.

Any statistics or information concerning big league baseball players, may be obtained of "Joe" Russo, our human baseball encyclopedia. "Joe" would be a handy man to have around if he only knew as much about law as he does about baseball.

Any time you desire a pair of seats at a good show call on Warren ("Rubber") Hurley, who, be it known, manages one of cultured Boston's classiest theatres.

It is rumored that "Tom" Cloonan, our austere fellow student, will shortly begin a histrionic tour of Boston at the principal playhouses, in a melodrama entitled "The Lost Child." It is said that he was rehearsing the title role the first night of school, and was so successful that it took three instructors and several students thirty minutes before the honorable "Tom" was finally discovered downstairs trying to open the furnace door and saying "open the door and let me in." (Ye see "Tom" thought it was the door which led to the lecture room.)

"Babe" Granville "reckons" that Suffolk is "some" school. Be it known that "Babe" is a rather conservative chap, and when he waxes enthusiastic over anything, you can wager your next year's "notes" that it is "some" thing.

And speaking of conservatism, did you notice the brand of neckties "Maurie" Walsh has been wearing? "Maurie" declares that there is no such word as "conservatism" in the dictionary.
Justice. There were two benches at the side of the room and one chair for the judge, and this comprised all the furniture. Hats were not removed; neither was there any call for order.

The first case on the docket was that of a thief. He was led in by a chain around his neck, and made to kneel about six feet in front of the judge. He was a mass of cuts and bruises which had been inflicted by an officer in making the arrest. He had received no medical attention, and his wounds had been left to heal as best they would. He was questioned very minutely by both the judge and the prosecutor. All answers were taken down, as well as the number of wounds and the exact measurement of each. There were no witnesses. The prisoners either confessed or were tortured until they did so.

The next victim brought in proved to be a pirate and, like the former one, he was required to kneel before the judge. He went through his story and evidently got rather mixed, judging by the expression on the face of the judge, who would laugh ironically when he caught the prisoner in a lie. He was sentenced to be beheaded, on such a day as the mandarin should decide.

The next prisoner had to be carried in a basket, as he was unable to walk, from the results of the torture inflicted at the previous trial for refusing to confess.

This trial was going on when we left to visit the execution ground. This was a narrow piece of ground and was used ordinarily by a potter engaged in the manufacture of large earthen jars. There had been seven pirates beheaded the day previous to our visit and the bloody reminders were all visible. The executioner, a man over six feet tall, was there and seemed to be proud of the gruesome honor of having severed over one thousand heads.

(Continued in next issue.)

We admire tenacity, that leads to success,
Admire, yea applaud, the men who succeed,
With humanity, fairness and justice their creed,
"A man first, then other achievements profess."

L'Envoy.
Though a "strike" and a "run" may catch the first page,
And in libel suits jolly, with mirth you engage,
Yet we wish you success and fulness of life,
And "Easters" unnumbered at home with your wife.
in the wee small hours and lie awake until the problem is settled or until morning comes.

But settling the problem does not finish my midnight cogitations, for I always find myself revolving the plan again and picking flaws in it, and looking at it from all angles until I have settled the problem in a different way. More often than not the second solution is no more durable than the first. Many of the most successful features of the work in the Suffolk Law School and some of the wisest plans I have ever devised have been not the first solution but perhaps the sixth solution in a given night.

For that reason I have always welcomed such periods of insomnia for the fruits they have borne, and it is quite safe to say that no important plan that I have carried out in the last ten years has been entered upon without the tireless midnight scrutiny as outlined above.

It is true that I had not the remotest idea at the time that the most profound consequences were to flow from that night's work, but I nevertheless involuntarily devoted a large portion of the night to viewing and reviewing the plan, a little conscience-stricken perhaps at the occasional sleepy admonitions of my brother to "lie still and not keep a fellow awake all night."

But when I arose the next morning it was with a fixed determination to go forward with the plan, whatever the hazard, and however it might add to my burdens.

CHAPTER IV.

Enrolling My First Students.

It has ever been one of my characteristics to act without delay in putting into operation any plan upon which I have solved, and my action in this matter was no exception to the rule. Early that very forenoon I called upon Percival FitzGerald at the store in which he worked and informed him that I was about to start a private class in law.

He was the young man to whom I have referred as having once in my hearing voiced a desire to study law. We discussed terms and evenings when the class would convene. Before I left he had agreed to come into the class.

This result was very cheering to me and I lost no time in going to the steamship office on State Street, where Carl Collar was employed. My enthusiasm prevailed with him also and I hastened to hunt up Mr. Quinn and acquaint him with my change of mind.

He manifested considerable pleasure and promised to bring his friend to see me within a few days. The date for the first meeting of the class was fixed upon. When I attended my regular lectures at the law school that day it was with an entirely new interest in the methods of teaching of the different professors under whom I was studying.

The problem of securing other students was the matter to which attention should next be directed and after lectures that day I drafted an advertisement announcing the formation of a class in "practical law" for young business men, the first of which read as follows:


(Continued in our next issue)
Developing the Judicial Mind

(Continued from page 26.)

circumnavigating the point at issue without actually touching upon or deciding it. Such an answer is equally worthless and open to the same objections as the former, and is merely a mass of words without effect.

Perhaps to do these things is a human trait, and indeed a tendency to do so has been observed even in the opinions of judges, but it is pleasing to note that this is exceedingly rare, indeed if it were not so our law would long since have become a mere hodgepodge, would never have reached its present stage of development, and society and business would necessarily suffer thereby.

Clear Cut Decisions.

The proper and satisfactory answer to a problem will disclose a clear cut decision of the point at issue, expressed in pure, unequivocal language. Such an answer or decision is alone worthy of preservation and credit.

There are many other points connected with the subject upon which I might well discourse at length, but time and space will not permit my doing so at this time; consequently I will sum up my remarks by inserting a few DON'TS in the hope that they may serve as a guide to the disciples of Blackstone who may see them and direct them into the path which must inevitably assist them in attaining the requirement of a well-balanced "judicial mind."

Live List of Don'ts.

1. DON'T ever permit personal feeling or bias to regulate or control your answers.
2. DON'T jump at an answer.
3. DON'T attempt to answer a question until you are sure you understand what it means and have carefully dissected and mastered the facts thereof.
4. DON'T answer in the exact words dictated by the instructor in lectures or copied from some judge's opinion, but be original. Use your own words, expressive of your own thoughts on the subject, bolstered if need be by proper citations.
5. DON'T waste words. Couch your answer in well-chosen sentences and clear, expressive language. When you have answered the question stop right there—but be sure you have answered it before you stop.
6. DON'T equivocate in your answer. Decide the question and then stand firmly by your decision. Let your answer DECIDE SOMETHING.
7. DON'T reason entirely from the heart, let the head have a chance to show what it contains.

New Annex an Achievement

(Continued from page 19.)

The new annex added to the school a total of thirty-six hundred square feet of floor space, that is twelve hundred square feet for each of the three floors. This gave sufficient space for three large, new lecture halls, and a more commodious loan library. As a result of the added floor space we have am-
ple room for about five hundred and forty new students.

Room For 1,200.

At the present time the Suffolk Law School with its new annex completed can easily accommodate over six hundred students at one time, or twelve hundred during an evening.

While it was at first believed that accommodations for such a large number of students would be sufficient for many years to come, one cannot view the phenomenal growth of the school during the past two years, without venturing the prediction that the Suffolk Law School in five years will be forced to again enlarge its present quarters or else limit the number of students. To carry out the latter course would mean the exclusion of many worthy students who are ambitious to acquire a legal education at an institution which appeals so strongly to the man of moderate means and offers for his edification a high class legal training for a minimum tuition.

INTERNATIONAL LAW

A special course of lectures on International Law, to be given by Dr. George F. Tucker, will begin Wednesday evening, October 13, and will continue for eight successive Wednesdays, ending November 29. The lecture period will be from 7.30 to 9.00 P. M. The lectures are open to all students and alumni of the school, without tuition charge. They will be given in the Freshman Lecture Hall on the second floor. Dr. Tucker is joint author of a standard text book on International Law, and his long experience as a teacher and lawyer should make this series of lectures a very important one.

Massachusetts Bar Examination.

(Continued from page 20.)

(a) Who will prevail?
(b) If performance is decreed how may it be enforced?

5. (a) A citizen of Boston, owning land in Boston and no other property, while visiting in New York, is taken suddenly sick and makes his will there. By the law of New York only two witnesses are required to a will. He recovers from his illness, and thereafter dies in Boston, which was always his domicile, without making any other will.

Is the will made in New York valid and operative upon the land, which he owned in Massachusetts, and, if the will is valid, where should it be probated?

(b) A man domiciled in New York and owning both real and personal property in New York and Massachusetts dies testate in Massachusetts.

What probate proceedings should be had and where?

6. What is the meaning of each of the following words and phrases: Cestui que trust; laches; estoppel?

7. A, when only twenty years of age, sold certain real estate at a fair price. He then squandered the proceeds. After reaching majority, he brought a writ of entry to recover the land, without offering to restore the purchase price.

Will he prevail?

8. Bill in equity by a husband against his wife, alleging that the title to certain real estate being then held by her, she executed a writ-
ten declaration of trust in his favor, and that she afterward refused to perform it.
Upon demurrer to the bill for want of equity, what decree should be entered?
9. Tort for assault. Plaintiff proved that he was assaulted by the defendant, who was a married woman, in the presence of her husband.
What possible defence suggests itself?
Can you answer these questions? Answers will be printed in next issue. A regular department of Register.

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