Mercy

The quality of mercy is not strained;
It droppeth as the gentle rain from heaven.
Upon the place beneath; it is twice blesseed;
It blesseth him that gives and him that takes;
Tis mightiest in the mightiest; it becomes
The throned monarch better than his crown;
His sceptre shows the force of temporal power,
The attribute to awe and majesty,
Wherein doth sit the dread and fear of kings;
But mercy is above this sceptred sway,
It is enthroned in the hearts of kings.
It is an attribute to God himself,
And earthly power doth then show likest God's
When mercy seasons justice.—Shakespeare
SUFFOLK LAW SCHOOL REGISTER

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"On! On! With Banners Waving."

Martin A. Cummings, '18.

(To tune of "Tramp, Tramp, Tramp.")

We who burn the midnight oil
After weary days of toil,
And our evenings spend in study—not in play,
Must of course our Union keep
If reward we wish to reap,
For "In Union There Is Strength," the proverbs say.

Cho.
ON! ON! ON! with banners waving,
For the Truth we'll always stand,
Diligence and Honesty, let our watchwords always be,
And our battle-cry ring far across the land.

No traditions do we claim,
Yet that lessens not our fame,
For our history, though brief, with honor gleams,
We have come with wondrous speed
From the rear into the lead,—
Once a vision seen in Gleason Archer's Dreams.
The Exam. Night Brigade

M. M. Marget, '18.
(Tendered with apologies to Tennyson.)

Half an hour, half an hour,
Half an hour onward,
Right through that stiff exam,
Ev'ry old or Freshman,
Shaking from head to arm,
Wrote the Five Hundred.

Questions to right of them,
Questions to left of them,
Questions in front of them,
Answered but flunked on.
Stormed at with mark and yell,
Now while they write like—well,
Trying to beat the bell,
While all the Prof's wondered.
“Flunked” all the problems here,
Muddled the cases there,
Raising the teachers’ hair,
While his mind wandered.
Their not to gasp and sigh,
Their not to reason “Why?”
Their but to pass or die,
Wrote the Five Hundred.

Stormed at with mark and yell,
Now while they write like—well,
Trying to beat the bell,
While all the Prof’s wondered.
“Flunked” all the problems here,
Muddled the cases there,
Raising the teachers’ hair,
While his mind wandered.
Their not to gasp and sigh,
Their not to reason “Why?”
Their but to pass or die,
Wrote the Five Hundred.

Juniors to right of him,
Seniors to left of him,
Sopho's behind him,
Wrote on and floundered.
Oh, the answers they thought,
On to the bell they fought,
Some answered right, but not.
Not the Five Hundred.

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Professor Frederic O. Downes, L.L. M.

Professor Downes teaches the very difficult subjects of Conflict of Laws and Carriers. He has gained considerable reputation as an able and learned instructor. His clear elucidation of the extremely fine and technical points of Conflict of Laws has made him popular with all students who have ever studied under him. His ready appreciation of merit, his willingness to make clear difficult points of the law, and his painstaking thoroughness in the handling of his subjects has endeared him to the hearts of all his students.
A Brief History of Weights and Measures
(Being an address delivered at annual banquet of Massachusetts Ice Dealers' Association.)
Thure Hanson, '18.
(State Sealer of Weights and Measures.)

The history of weights and measures goes back to the elementary mental processes of primitive man. Weights and measures have been the subject of laws since the time of the great law giver, Moses. It is probable that the whole idea of weights and measures originated with the sense of equality, the appreciation of fairness. This same spirit rules today.

The necessity for protection in the matter of weights and measures has been evident through all ages. The Bible bears evidence that even in the days of the children of Israel, two sets of weights and measures were used—one for making sales and another for making purchases. A warning against dishonest practices is given in Proverbs III: "A false balance is an abomination to the Lord, but a just weight is a delight." In Leviticus XIX is found: "Just balances, just weights and a just ephah and a just hin shall ye have." (The "hin" referred to is equal to 3 quarts, 1 pint and 1 gill; the "ephah" is equal to 2 pecks and 5 quarts).

Early Regulations.
The diversity and inaccuracy in weights and measures in use in the United States were recognized in the early days of our country. The Articles of Confederation contained this clause: "The United States in Congress assembled shall also have the sole and exclusive right and power of regulating the alloy, and the value of coin struck by their authority or by that of the respective states, fixing the standard of weights and measures throughout the United States." From this beginning has grown the present wide scope of regulation of weights and measures in this country. Massachusetts claims to be among the pioneers in this work. Many of the laws of our Commonwealth are regarded as models which other states may safely adopt.

As long as commodities are bartered and exchanged, just so long will false weights and measures be found and false and insufficient weight and measure be given.

This evil can be kept in check by energetic work on the part of the officials appointed for the purpose of seeing that measuring devices are kept in order and that they are properly used.

Previous to 1907 Massachusetts had no distinct State Department of Weights and Measures, and the supervision of the use, by the trade, of weights and measures was performed wholly by the local town and city officials.

Many of these officials were political appointees and in many instances men wholly unfitted for the work they should have performed. They were also very poorly paid and were not expected to do much.

Commission Organized.
In 1907 a separate State Department of Weights and Measures was established by the Legislature and placed in charge of a commissioner, with power to appoint four inspectors. This force has been increased to six inspectors, all of whom are on the Civil Service list.

The Sealers of Weights and Measures in all cities and of all towns of 10,000 inhabitants or over are now under Civil Service
and in case of new appointments, such appointments are made from the Civil Service list, made up of those who have passed the examination by the Civil Service Commission.

This examination covers all details a Sealer should have knowledge of, so that no man in Massachusetts is now appointed to the important position of Sealer until he has demonstrated his fitness, both mentally and physically.

In the United States we have taken great care to regulate the money but we have not even attempted to regulate a uniform or even an honest standard of weights and measures, and in this latter subject conditions are as chaotic as could well be imagined.

The regulation of the weights and measures and the weighing and measuring commodities, and a control of the manner of sale of commodities is a crying need today.

The grower, without assurance of the honesty of standards, cannot obtain equitable value for the product of his soil, nor the manufacturer, who must meet one or more competitors who can undersell him by making the apparent cost of his commodity less by cutting off, here and there, on the quantity delivered.

The distributor welcomes an honest standard and efficient regulation thereof, because the honest dealer cannot possibly compete with the one that gives short weight or measure.

An Illustration.

As an illustration I will cite an actual occurrence: When the retail price of apples was 70c per peck, a pedler approached a housekeeper, offering apples at 35c a peck.

This housekeeper had a set of certified standards, and after examining the apples and seeing that they were of good quality, offered to buy a peck. The pedler, his measure heaping full, emptied the apples into the standard measure. Lo! it filled not quite half full. It took two and a fraction of his measure to make a peck.

His remark, after receiving the 35c and looking at the housekeeper and then at the standard, was characteristic: “Madam, I will never come here again. Thank God, they are not all as wise as you are.”

What honest dealer had a possible chance against such competition? How many housekeepers were easily deceived?

This, furthermore, illustrates that if an efficient inspection of weights and measures had existed the pedler could not have used a short, double-bottom measure, and the consumer would have been protected.

The above easily shows that the pedler got more than the market price for his goods, in short, the consumer’s cost of living was increased.

The short weight and measure evil exists in three forms: first, faulty apparatus to determine the quantity; second, faulty use of correct apparatus; third, the goods put up in packages with no indication of the quantity of contents.

Let us look at these three evils.

Other False Scales.

Included among false scales are the pedler’s and ragman’s spring scales with sliding fronts, adjustable springs, bent points, that will show whatever the thumb and index finger of the manipulator desires; computing scales with false computations; weights made lighter by every possible means; dry measures with adjustable bottoms, with sides cut down or relapped, false bottoms and sides; ice cream pails from five to fifteen percent short; short milk bottles; “fake” milk dippers; “short” “snide” and “shallow” berry boxes; liquid measures with holes in the side, etc.

(Continued on page 23)
Reflections on the January Bar Exams.

Wm. F. O'Donnell, '15.

A short time ago I was approached by one of the editors of the Register and was asked if I would write an article for the current issue. It seemed to me that an article concerning the Bar Examination might prove to be of interest to the students, so I have taken that for my subject.

It is safe to say that nearly every student in Suffolk Law School intends at some time to take the Bar Examination. A good many students undoubtedly dread it. However, if a student does his work faithfully and successfully he not fear the examination. It is generally the one who has been "loafing" who fears it. It sometimes happens that a student who has been receiving high marks in his school work fails to make a proper review for the Bar Examination. The fact that he received high marks in school may tend to give him too much confidence. Confidence is a great thing, but there must be something substantial behind it.

The Way to Prepare.

In preparing for review work for the examinations, students generally use either the case system together with the notes as much as possible, or devote most of the time in going over the notes and reading a few cases. It seems to me that going over the notes is the better system because case work takes up considerable time and generally, in a Bar Examination review, there is not any too much time. It is also very helpful, after you have gone all over your notes, to get a review book such as "Simpson's Notes." Such a book puts the finishing touches on a good review.

After a complete and thorough review the day of the examination is at hand. There is, of course, a psychological effect upon the student now. He realizes that the day he has been looking forward to has now come. It is now he must summon all his courage and be prepared to give the very best that is in him. He cannot afford to get excited or nervous. He must be calm and collected.

It is strange, but nevertheless true, that in a Bar Examination a student is apt to think that the questions are more difficult than they really are. He has in his mind the idea that the Bar examiners have tried to ask him the most difficult questions of law that could possibly be asked. Still the questions are fair.

Must Divide Time.

In answering the questions the student must exercise careful deliberation. He must remember that he has fifteen questions to answer in three hours' time, which would give him an average of twelve minutes to each question. He has fifteen questions to answer in the morning session and fifteen questions in the afternoon. He is allowed three hours in each session. Of course there are some questions the student could answer in less than twelve minutes, while others may take more than twelve minutes. He must apportion his time accordingly.

Then after the examination, the student is kept in suspense for a period covering about one month before he gets a report from the Examiners. It is indeed a terrible suspense. Hoping for the best and waiting for the worst is the way one student termed it.
If a student is unsuccessful in his examination he will naturally feel disappointed. If it is his first or second attempt he ought not to feel very bad about it because the majority fail in their first try, and a great many fail in their second try.

At all events, even though a student may feel disappointed at his failure he ought not to be discouraged, but should become even more determined than ever to be successful the next time, and, after taking a short rest, he should set to work again with renewed vigor in the hope that he will surely succeed in his next attempt.

There are always rumors floating around that the Bar examiners are prejudiced; that they favor this school and that school, and they let so and so by but held back someone else, and so on. Of course the students know this to be absurd. The Bar examiners have certain requirements which all applicants must comply with. If they meet these requirements and pass the examination, the Bar examiners will see to it that they are admitted to the Bar as Attorneys.

**Optimism**

*By J. P. Kirk, 19*

Did you ever stop and ponder,
Did you ever stop and think,
That each day passing by us,
Is but another link
In the chain of years, that finally
Will end us here on earth;
So why not spend those days we have
With happiness and mirth.

I have worried over trifles
That never came my way,
And many a troubled moment,
I'm sorry I must say,
Has been spent in deeply thinking,
And in great exaggeration
Of things that never came to pass:
Were but imagination.

The following conversation
I heard the other day.
'Twas between a friend of father's
And dad, whose hair is gray.
"Too bad, my friend, you're getting old."

**CONVEYANCING.**

The course of Conveyancing given by Albert L. Partridge, official examiner of the Land Court of Suffolk County, is proving very popular with the students, and quite a number of business men and lawyers have registered for the course.
Legal Jottings
By Samuel Pofcher, '18.

Propriety of professional conduct does not spring from statutes or from judiciary decisions, although it may be aided or injured by either, but practically incorporated from that extreme high sense of honor.

A lawyer should be a minister of justice. His object should be to see that so far as is within his power justice shall be done. The law is a learned profession, not merely a trade. While we may consider it as an agent for the accumulation of wealth, its essential purpose is to aid in the administration of justice.

The ideal lawyer is always a peacemaker. Attorneys who stir up law suits are a hindrance and a danger to the profession, as well as an enemy to society as a whole.

Chancellor Kent, the noted jurist, once said: "The purchase of a law suit by an attorney is champerty in its most odious form, and it ought to be condemned on principle as against public policy. Such methods would lead to fraud, oppression and corruption."

While an attorney is not the keeper of his client's conscience, he is the keeper of his own conscience, and likewise responsible for his own acts in conscious violation of law and justice. He has no more right to encourage his client to deceive than he has to deceive himself.

Second Edition of "Archer on Contracts"
The publishers of Dean Archer's text book on Contracts have recently decided to issue a second edition of the work to be on sale in September, 1916. In revising the book, Dean Archer plans to introduce some new features that should be very popular with students, one of them being a complete set of review questions at the end of each chapter.

Dean Archer is also using the odd moments in the preparation of a text book on the Law of Torts. The Dean's books are proving very popular throughout the country.

His new book on Agency has been recently adopted by the Benjamin Harrison Law School of Indianapolis, Ind., while "Law Office and Court Procedure" has just been adopted as a text book by the law department of the Williamette University of Salem, Oregon.

The publishers of Contracts have reported that a prominent correspondence school that has been using "Clark on Contracts" will shortly change to "Archer on Contracts."

Summer Prep. Dept.
The summer preparatory department is being thoroughly reorganized. Two new teachers have been appointed. Mr. John L. Hurley, A. B., Bowdoin, of the Sophomore Class, will teach Economics, Civil Government and English Grammar. James A. Goldthwait, A. B., Harvard, a teacher in Boston English High School, will have charge of English History, Ancient History, Massachusetts and American History. Mr. Edward P. Pierce, A. B., A. M., Harvard, will continue to teach Arithmetic, Bookkeeping, English Composition and Literature.

The subjects to be offered during the summer of 1916 are Economics, Mediaeval and Modern History, Civil Government and Physiology. The summer preparatory class will be divided into 6.00 and 7.35 divisions.
Relation of A Bank or Trust Co. to a Depositor

Charles G. Clark, '17

Deposits are legally divided into three classes: general, special and specific.

A general deposit is illustrated in the ordinary checking account or a simple savings account.

The case of Burton vs. U. S., 196 U. S. 283, states the weight of opinion in the commercial world regarding the legal status of a bank with its depositor, in part as follows: "The general transaction in the way of deposits to a customer’s credit and drawing against the account by the customer constitutes the relation of creditor and debtor.” The importance of this decision is that it settled legal attempts (by suit) and erroneous impression with the lay to construe the status of a checking account as a trust relation or the depositor as principal and the bank as agent as between themselves. See also National Bank of Republic vs. Millard, 10 Wall, 152; 19 Led., 897, page 155; Led. p. 890.

A Special Deposit.

A special deposit arises where a chattel, chose or money is left with the banker, with the agreement that the identical thing shall be held subject to the depositor’s order. The depository becomes a custodian, without active duties, and the legal relation is that of bailor and bailee. See Morse on Banks, sec. 183-190.

A specific deposit is created "where a depositor delivers securities or money to a bank for a specific or particular purpose and not for entry on the general account; for instance: A gives the First National Bank of Boston $50 in exchange for their bank draft on a N. Y. bank which A uses for the purpose of remittance. The legal importance arises if the N. Y. bank should fail before this draft is paid (eliminating L. L. against the holder). The drawee bank’s failure would cause a refund in full to A or the holder by the Boston bank as they failed to perform the one particular purpose of the transaction. This is known as the trustee relation. See Cutler vs. Am. Exchange Bank, 113 N. Y., 593.

Funds reached by Trustee Process.

A creditor of Smith may trustee a joint general account in the name of Smith and Brown because the deposit, or as termed in the banking vernacular, the balance, belongs to either or the survivor.

A general deposit designated as R, D. Smith, No. 1, etc., or special, or with any appendage unless same is fiduciary funds, may be reached by the Trustee writ if in proper form.

A savings account in a Trust company where the def. also has a general account is not covered unless so cited in the writ.

Certified Checks.

Many people are under the impression that a bank must certify a check if the same is in form and good for the amount. This is not so for the certification is discretionary with the bank official. Naturally, though, upon proper circumstances, the presenter can
demand payment if certification is refused. The serious angle of a certified check is that it becomes the certifying bank's liability and there is no subsequent stop payment possible. If A accepts a check from B on the D bank which B had procured certified previous to delivery, B is still liable for the amount if the D bank should fail prior to payment (barring laches against the holder). If however, the holder obtains certification and the bank fails before payment, the signer is absolutely discharged and the holder is the loser if the drawee bank is insolvent. The wisdom of having the signer deliver a check already certified can easily be appreciated. Head vs. Hornblower, 156 Mass., 458.

Read This!

During a recent lecture on Bills and Notes, one of our breezy students made a DEMAND for a DRAFT (of fresh air). This had the ENDORSEMENT of all BONA FIDE members. Although ORAL EVIDENCE was ADMISSIBLE TO VARY THE TERMS of general approval, one of our (H)OLDER students ascertained that the IMMEDIATE PARTIES seated near to the windows and doors OFFERED PROTEST. Later WITHIN THE FOUR CORNERS of the classroom, it was found that a PRESENT(MENT existed that air, not necessarily hot air, would be allowed during these DAYS OF GRACE. By this, you NOTE the DRAFT was PROMISSORY and when all the students by ACCEPTANCE PROPER were willing to ASSUME LIABILITY for physician's fees, the instructor ruled that a CHOSE IN ACTION WOULD LIE against the janitor, for according to dictum and CUSTOM, fresh air and drafts are:
1st—traced to date from TIME IMMEMORIAL;
2nd—there must be a CONTINUOUS ventilation,
3rd— all persons UNIVERSALLY require it,
4th—a REASONABLE use is our quota,
5th—It is CERTAIN that we cannot live without it,
6th—It becomes BINDING upon him to furnish it.

Decision affirmed.
TRACY dissenting.

Thumb Sketches

Dan McGillicuddy—By virtue of position as Pres. Suffolk Law Deb. Soc. has gained renown as arguer as Prof. will admit. Will become political speaker in Sept. by orating for Leo J. H. “Handsome Dan” he is called.

Johnnie Heffernan—All the way from Fram Business Mgr. of Register. Sec. of Soph. Class. Greatest ambition to write a law book, with a division on “How to Make Love So She Won’t Accept.”

Jim Dooley — Hyde Park again, whose greatest regret was that Hyde Park was annexed to Boston, since he was the logical man for Mayor of that charming little village. Refuses to oppose Mayor Curley for reelection, because he believes he is entitled to another term and because the Honorable James M. is a personal friend.

“Handsome” Harry Hanson—One of our Militia boys. First to answer call for men to attend the banquet. Noted for a perpetual golden smile and optimistic nature and a wonderful variety of neckties.
The Versatile Markey who Believes in Preparedness


Being a Humorous Description of the Activities of one of our Suffolk Students

In the Sophomore class of our Suffolk Law School there may be clever men, there may be smart men, there may be busy men, there may be hard-working men, but there certainly is no man more busy, more hard-working, and especially more versatile than OUR only and original JOHN J. MARKEY, of the United States Immigration Service, with headquarters at Long Wharf stretching way out into Boston Harbor.

Though connected for twelve long years with this most remarkable and perhaps least known branch of Uncle Sam's household, last Summer was the first time that our versatile Sophomore added a new accomplishment to his already long list, for at that time an Employment Bureau and Information office was opened at Long Wharf to relieve the congestion of the unemployed, alien as well as domestic. It was then that we called on him and were received with the most genial smile by our good natured fellow student, which immediately put us at our ease and made us feel perfectly at home in this modern Babel of races and tongues.

A Cry for Help.

His particular business in connection with the newly established arm which Uncle Sam was stretching out from Washington, was to look after applicants who wanted to try their luck and go out West, following the good advice of Horace Greeley given some years ago.

It is a well known fact that every summer a cry for "help!" is sent out by the entrenched farm-ers from the Mississippi to the Rocky Mountains, as they cannot gather their harvest of the "staff of life" without human hands, in spite of the great improvements and universal employment of American farm machinery, the best in the whole world. Last Summer this great demand for help has for the first time been satisfied by Uncle Sam bringing the jobless man and the manless job together to the mutual satisfaction of employer and employee. Among the latter we found not only bona-fide rural laborers, alien farm-hands, immigrants from Russia, Italy, Austria and Hungary, in fact, from all the four corners of the globe, but also many good Americans temporarily out of a job, especially in those lines which were affected by the war, as for instance shipping, various manufacturing establishments depending on German-made dyes; and various industries or commercial enterprises which had to do with foreign import or export, there being a serious shortage of steamers and other vessels. I maintain, by the way, that the reason for this latter condition is the lack of a much-needed Merchant Marine, flying the Stars and Stripes.

Students Go West.

As the demand for farm help in the Great American West and later on in the newly opened Canadian West was sounded just about the time when most of our colleges were closing their doors for a summer vacation, it is but natural that many students from Harvard, Yale, and other East-
ern Institutions of learning, among which we are proud to enumerate our Alma Mater, The Suffolk Law School of Boston, sent contingents down to Long Wharf to be shipped from there to the wheat fields; though not tagged and labeled; well directed and with definite positions in view. And this is exactly where our genial and versatile Markey "butted in." It was he who saw the "boys" off on the steamers of the Merchant and Miners' Line, on the trains going South, South-West and West, and his smile, which "won't come off," was the last thing most of them beheld when they shook the dust of good old Boston from their Number Eights, placing even the new Custom House tower in the shade.

A Congenial Duty.

To our friend Markey this was one of the most congenial details he ever had. I know for he told me so. And John is like Washington, "he never told a lie." What a difference seeing these happy boys off to the golden West, full of life and hope, and anticipating a pleasant outing and a pocketful of money in the Fall, as they stood on the deck of the boat or the steps of the departing train waving their hats with a cheerful "Au Revoir," what a difference between them and that other crowd Markey has "seen off" sometimes when Uncle Sam has barred them from landing in the country which to them seems to truly be a "land of promise."

With tears streaming down their cheeks, moaning and crying in utter despair and with broken hearts, they sail from our unhospitable shores back to their native land and miserable existence from which they tried to escape and into which they are now once more thrown. And our friend does the best he can to lighten the burden these unfortunate, disinherited people carry with them, cheering them and putting new hope into their souls.

But seeing people off is not all nor a thousandth part of our Sophomore's activities in connection with his official duties. For he is the man who has charge of all the Records at the Immigration Station, especially cases which go on appeal to the Secretary of Labor in Washington, and in addition has to make extensive travels through the United States as well as to Canada to effect deportations of undesirable aliens or make investigations which would tax the genius of a Sherlock Holmes, involving, as they do, aliens who speak any one of a dozen different tongues, and whose ways, like those of the heathen Chinee, are "tricky and rather mysterious."

Hard Worker.

How he can find time amidst all this "rush" for evening studies in our Law School is a miracle to me, but he has done it, and a good deal more. He is Counsellor of the New England Association of the U. S. Department of Labor, an organization which has for its object the promotion of the interest and welfare of the employees of this department in the New England states, with a special view to obtaining some provision for the retirement of the superannuated. It is thus affiliated with a movement of national dimensions.

This distinguished member of our Sophomore Class is also a member of the Board of Managers of the Amateur Athletic Union, being specially qualified to serve on the Membership, Record and Investigating Committee, which regulates the amateur events of the United States. And I do not think I break any confidence in announcing that the contestants all over the country in the great indoor meets are loud (Continued on page 21)
"Bill" Murphy is back in school after an attack of "la grippe," followed by a severe case of rheumatism. It may be interesting to note that this was the first time that "Bill" has been absent from school since he entered the institution four years ago. There has been a kind of contest going on as to just which students would maintain a perfect state all through school.

John J. Murphy, Mayor Curley's secretary, has been receiving congratulations on all sides for his success in passing the January Bar Exams. Mr. Murphy's work has been excellent as a student, and we feel that he will reflect credit upon Suffolk when he finally takes up the active practice of law. He will continue in school and receive his degree with his class. Murphy is a graduate of the South Boston High School and Mass. College of Pharmacy. For a time, after leaving High School, he attended the Boston University Law School and later shifted to Suffolk Law School. He has been in the State Legislature for two terms, being Representative from South Boston. For a year after the election of James A. Gallivan to Congress, Murphy was that gentleman's private secretary, giving up his position to become a candidate for Senator in his home district, South Boston. He is a brilliant orator and has always been prominent in city and State political campaigns. March 17th, at the big Evacuation Day Banquet held in Municipal Bldg., South Boston, at which was present the Governor and high city and State officials, Murphy was selected to act as toastmaster, and as usual proved a great success.

Peter Borre has the honor, or rather will have the honor, of being the youngest man ever to graduate from the Suffolk Law School. In May he will be but nineteen years of age.

Karl Baker is gaining considerable recognition as a photographer. His latest stunt was a flashlight photograph of the Sophomore - Freshman Banquet, March 20th, at the Elks' Club. The picture, which was an excellent piece of work, will be printed in the April "Register."

It has been decided by the Board of Editors to make the May issue of the Register a Senior number, dedicated to the graduating class. Something will be said about each and every member of the Senior class, and there will also be copious poems, knocks, articles and jokes by members of the class. It is also planned to have a picture of the class in that issue.
Marty Rosenfield declares that he dislikes to write "knocks" about his fellow Juniors, because he likes all of them and has no desire of jeopardizing their friendships. That is the only trouble with Marty, he is too solicitous. One of the editors told him one night that if he intended to be a great lawyer he must become more hard-hearted. Well, perhaps, but solicitude does not grind out this column every month.

Max Wittenburg was present at the Soph-Fresh Students' Banquet March 20th. You see, last year Max was a Freshman and also a Soph., so on the strength of last year's position he was cordially invited to be present—kind of getting by on a technicality, so to speak.

Newman Fielding does not affirm the rumor that he is soon to be raised to a vice-presidential position in the Boston Elevated Company; neither does he deny it, so there you are.

McGowan's got a wonderful golden smile on his face nowadays; there must be a reason. Give a guess and then ask the gentleman himself.

Eyges almost got angry one night. A Freshman spoke to him, addressing him as "Mr." That was all well and good, as becoming a dignified Junior. But when the "Freshie" finished by a faulty pronunciation of the name, saying "Mr. Eggs," Bernard read the young fellow a few chapters out of a book which was not the Bible.

Klivansky, it is rumored, has received an offer from a big operatic producer, and is seriously contemplating acceptance.

"Danny" Sullivan is still plugging away, and is hitting them high. His one weakness is the fights every Tuesday night.

SAVED BY A BROOM.

Scene: Editorial Rooms.
Time 11 P.M.
The hour was getting late
The magazine was nearly done
Baker and Walsh were betting
On who would make a lucky run.
Then spoke the mighty Leo
In a tone both grieved and sore
"Who will help me with these papers
That lie scattered on the floor."
Down on his knees dropped Baker.
Likewise did Essay (S. A.) Mac. Baker the mighty editor
And Essay but a hack.
Then like a clap of thunder Leo shouted through the room.
"Spare the crease in your pants, my friends
For Cleopatra Walsh has found a broom."

Charlie Payne—A student who is of a quiet, retiring disposition, but when put to the test is loyal to the core.
A Regrettable Oversight

Through an unfortunate oversight an article was printed and circulated in the February issue of the “Register” which casts serious reflection upon a great body of our citizens. The editors wish to express their deep regret that any article containing erroneous or misleading statements concerning any religious body should be published, and assure their readers that a repetition of the oversight will not occur.

The January Bar Exams.

The success of our Suffolk Boys, who took the January Bar Examination, is indeed a source of pleasure and inspiration to the undergraduate body. The student body congratulate the successful candidates, and urge them never to forget the high ideals fostered in them by their Alma Mater.

The Case of Mr. Brandeis

In reading the daily papers regarding the great opposition manifested in certain quarters to the nomination of Mr. Louis D. Brandeis of Boston to the United States Supreme Court Bench, we cannot fail to notice that the list of men who are so vigorously attacking Mr. Brandeis is practically the same “line-up” which so bitterly fought against the petition to grant Suffolk Law School the power to confer degrees. What is the answer?

The Coming School Banquet

The committee has set the date of the Annual School Banquet at Thursday, April 13th. The place will be the Quincy House, where last year’s highly successful banquet was held. Every student should try and be present, since it is the real big event of the year. It is at this banquet that all the alumnae and students, together with the faculty and Board of Trustees, gather and celebrate a great Suffolk Get-Together Meeting.

AN APPRECIATION OF THE DEAN’S BOOK.

“I heartily congratulate you upon the able and interesting manner in which you have handled a delicate subject. You deserve all the praise in the world for your labor of love as well as for your literary masterpiece.”

Former Senator, Francis J. Horgan.

Boston, Mass.
The Importance of Youth

Howard W. Foster, '18.

They will tell you that the successful, self-made man of yesterday would never have attained the height were he starting anew today. They will tell you that the time has passed when a youth, possessing ability and character, can achieve success without a college education. They will tell you that there is but one pathway to success, the way of pull and influence. And they will tell you that when success has been attained, in times gone by, in short periods of a man's life, such a thing is well nigh impossible now; that you can go so far but no farther. But close your ears to those pessimistic, calamity howlers and open your eyes to the bright examples about you.

Old politicians now recognize the strength of youth, sometimes fear them, sometimes cheer them. The intrepid, enthusiastic youth is a factor which demands recognition.

Old business men entering into the fall and winter of a successful life are placing responsibility and reliance in youths, many times barely past majority.

The knowing merchant is placing his interests confidently into the hands of young men, who but a few years ago would be serving as apprentices or as clerks.

And so in every path of endeavor you will find young men, youths of the proper foundation and balance, assuming responsibility, and handling the reins of government, and what is more, compelling confidence and trust.

At the same time, youth is not competing with the older men, but he is assuming the same responsibilities, and working shoulder to shoulder with men of all ages and types.

The day when ability is judged by age is past and now we are entering into the truest democracy which must count, not man's age, creed or color, but man's qualifications as man. The man with the biggest, broadest manhood, be he a boy or be he a patriarch, will be the man to reach the height of endeavor, of happiness and of success, and you can be such a man.

A Purpose Worth While

M. Hoffman.

What the appreciation of a school paper leads to, cannot be expressed by mere thoughts of words. There exists in its life an atmosphere entirely different from that of any other medium. It attributes to those who interest themselves, in the purpose for which the paper exists, an intellectual recognition, which tends to uplift the moral ideals. It brings to their attention, the spirit of fraternalism, that is present amongst students with a common purpose in view. Through its columns, it presents the qualities of the student body, the ideas which bring about that common interest manifested by a brotherly feeling tending to its inevitable success. The realm of arrogance vanishes with the oncoming of wholesome thoughts, and relations between the supporters. The life of the paper is that perpetual spirit of life endowed with glorious ideals.
Anecdotes of Great Lawyers

Compiled by Leo J. Halloran, ’18.

It many times happens that witnesses under cross-examination will inadvertently give information, which is most damaging unless it can be “covered up” by the attorney who is examining. An anecdote concerning this point is told of Rufus Choate. “A witness for his antagonist let fall, with no particular emphasis, a statement of a most important fact from which he saw that inferences greatly damaging to his client’s case might be drawn if skilfully used. He suffered the witness to go through his statement and then, as if he saw in it something of great value to himself, requested him to carefully repeat it that he might take it down correctly. He as carefully avoided cross-examining the witness, and in his argument made not the least allusion to his testimony. When the opposing counsel in his close, came to that part of his case in his argument, he was so impressed with the idea that Mr. Choate had discovered that there was something in that testimony which made in his favor, although he could not see how, that he contented himself with merely remarking that although Mr. Choate had seemed to think the testimony bore in favor of his client, it seemed to him that it went to sustain the opposite side, and then went on with the other parts of his case.”

intonations of the voice and the expression of face of the cross-examiner can be made to produce a marked effect upon the jury and enable them to appreciate fully a point they might lose altogether. “Once, when cross-examining a witness by the name of Sampson, who was sued for libel as editor of the “Referee,” Russell asked the witness a question which he did not answer. ‘Did you hear my question?’ said Russell in a low voice. ‘I did,’ said Sampson. ‘Did you understand it?’ asked Russell, in a still lower voice. ‘I did,” said Sampson. ‘Then,’ said Russell, raising his voice to its highest pitch, and looking as if he would spring from his place and seize the witness by the throat, ‘why have you not answered it? Tell the jury why you have not answered it.’ A thrill of excitement ran through the court room. Sampson was overwhelmed, and he never pulled himself together again.”

Often, if the counsel gives him an opening, a clever witness will counter on him in a most humiliating fashion, certain to meet with the hearty approval of jury and audience. At the Worcester Assizes, in England, a case was being tried which involved the soundness of a horse, and a clergyman had been called as a witness who succeeded only in giving a rather confused account of the transaction. A blustering counsel on the other side, after many attempts to get at the facts upon cross-examination, blurted out, “Pray, sir, do you know the difference between a horse and a cow?” “I acknowledge my ignorance,” replied the clergyman; “I hardly do know the difference between a horse and a cow—only a bull, I am told, has horns, and a bully (bowing respectfully to the counsel), luckily for me, has none.”
Prof. Amos Chesley York, LL. B.

Mr. York was born at Rockport, Mass. He is a nephew of Judge Sumner D. York of the District Court of Eastern Essex and a grandson of the late Judge York of Rockport. His early education was obtained in his native town. He is a graduate of Gloucester High School and of Boston University School of Law, graduating from the latter institution with honors.

During his law course he served as Assistant Librarian of the law library and also as Assistant Dean's Clerk. He is a member of the law firm of Devine, Gibb & York, with offices at 6 Beacon Street, Boston.

He was appointed to the faculty of the Suffolk School of Law, August, 1908. His subjects are Corporations, Bills and Notes, Wills and Probate and Landlord and Tenant.

PERSONALS.

Steve Bresnahan—A constable, "by heck," from Cambridge. One of Suffolk's most loyal sons. Greatest weakness, capturing "burglars" and "murderers" single-handed.

"Sherlocko" Joe Twitchell—From Dorchester. Another member of the Constably. Feared by all the criminals in his vicinity (no not in school) because he never went after a man that he didn't miss him.

Max Wittenburg—Some gent who was asked if peace came after war. Greatest weakness, banquets. Greatest boast, knows Blackstone and Kent to speak to.

Charlie Norton—A hyphenated student (Senior-Soph). Man who placed the "Park" in Hyde Park. Same chap who said "Either the Supreme Ct. Justice or myself is wrong, and I know I haven't erred."

John J. Shay—General advisor to the legal fraternity of Boston. Characteristic, a smile a mile wide and a necktie almost as bad.

John J. Murphy—On editorial board of "Register." Hangs his hat in Somerville. Well-known as a political orator. A plugger and a prime good fellow.

Doc "Jim" Nolan—"The genial" Boston College, Tufts Medical, Suffolk Law. Noted for never being in to lecture on time. Has frequently been called upon to administer to students stricken with "examitis."

Leo Wyman—Originator of the phrase "Got me Leo." Blue eyes, rosy cheeks and faultlessly groomed. Has only made out one attendance slip all year, hence his bad reputation.


Sam Pofcher—"The Little Giant," a little fellow with a heart as big as a pumpkin. Charter member of the Suffolk Boosters' Club.

Henry Sanborn—Sam's twin brother. Fair to look upon and future member of firm of "Sanborn and Pofcher." Only dissipation a quiet little date once in awhile.
Instructor—What is acceptance proper?
Student A, (unable to answer)
—I pass.
Instructor—It seems to me, that is a poker term.
Student B—Are you calling him?

Through the suggestion of John Markey, the notaries public of the class were prevailed upon to such an extent that a mutual admiration meeting was conducted.

Instructor—What is a waiver?
Student—A waiver is something—well they use it in baseball when a player falls off on his batting average.

Hist—no whispering—It is incumbent upon each student to act in strict accordance with the established code of propriety as to his fellow students. Whispering even in a lesser degree is an infringement upon the rights of your classmates. A word to the wise is sufficient. Silence is golden. Buy a mint.

To be or not to be, that is the question,
Whether 'tis nobler to suffer,
The chills and creeps of cold fresh air;
Or place your hat on head debonair.
(Ask Carpenter.)

Tony Terminello declares that he has the largest family of any student in the school—eight in number. The oldest is eight and the youngest four weeks. Future lawyers? Dunno.

It is good to have Henry Sanborn with us again, after a two months’ serious illness. Looking pretty good, too, glad to say.

Jack Hardy, our second division fire laddie, sustained a broken collar-bone in the big India street fire of a few weeks ago. But it takes more than a little thing like that to keep “Jack” away from school, and he was back in a week, albeit with his arm in a sling.

“Jim” Dooley was ill for a time, but is back in school none the worse for his experience.

Harry Hanson’s golden smile is with us once more. Harry, like several others of our classmates, was laid low for a time with a touch of “la grippe.”

Harold Eskin is another prodigal who has returned. He was away for two months, but declared that he “just has to get back to the old school.” Harold has been appointed a constable for the city of Boston.

“Tom” Ellis takes special delight in holding telephone conversations with persons unknown. You see one night Tom—well, it’s a rather long story; have him tell you about it.

After an extended absence “Jerry” Watson was back in class, but only remained a week. Since his return to private life, “Jerry” has been acting as a travelling salesman.
THE VERSATILE MARKEY.
(Continued from page 13)

in their praise regarding the justice of his decisions, which only become legal and official by his approval.

And you ought to hear him sing! Oh me, oh my! His modesty alone prevents him from becoming a rival of Caruso or Scotti or some other great star of the Metropolitan. He prefers to hide his talent in the St. Mary's Quartet, contributing to the harmony of their entertainments.

How he could find time to do anything else in addition to these many duties and hobbies is really puzzling me; and yet he has found time to take a course in Sociology delivered by Professor Anderson of Harvard University before the Harvard Extension Society, and was fortunate enough to receive a certificate of proficiency. It was not long after this memorable event in his career that one of the judges of the Massachusetts Supreme Court sent for our friend Markey and conferred with him regarding an appointment to a position in the Commonwealth where he might be able to put his knowledge to great advantage.

That our distinguished Sophomore is up-to-date in all his ideas may be gathered from the fact that he is a member of the American Legion, which is one of the most powerful instrumentalities for preparedness, gathering as it does, from all walks of life specialists whose services would be in immediate demand in case of a mobilization of our resources, amongst which MEN occupy the top-notch.

If you want to know anything about patriotism ask Markey, and he will tell you why and how YOU and all of us ought to be ready to fight for good Old Glory whenever the times comes that we have to defend "the land of the free and the home of the brave." And this all the while he is studying law, for he thinks it is every man's duty to prepare himself for any opportunity that might come his way, so as to help his countrymen and fellow citizens, and to safeguard the constitutional rights of the common people. Let us hope he will make good as a tribune of some great cause, and be a credit and honor to our Class and Alma Mater in the future as he has been in the past. For the success of every member of this Sophomore Class reflects upon all the others.

STUDENTS SHOULD CONTRIBUTE ARTICLES.

We desire that the students of the school should contribute articles to the "Register." Essays, poems, stories, etc., are always welcome. Many students with ability, fail to contribute because of a very bad attack of "modesty." Modesty is all very well at certain times, but most assuredly not in the present case. We therefore urge the students to enhance their natural ability by a little more energy in the literary line. It is your magazine and since you are a shareholder, it is your duty to see that the other members of the school have an opportunity of enjoying the good stuff you can turn out.

Our own Dannie Shea has had a new addition to the household. When asked if it was the first, he answered: "No, sir, the third." There you are.

Tom Friary—"The silent," who is saving his question, so that some fine night he can assault and overcome the pros.
Life Sketches of Old-Time Lawyers
Leo J. Halloran, '18.

Jeremiah Mason

This famous legislator and lawyer was born in Lebanon, Conn., April 27, 1768, and graduated from Yale College in 1788. He was admitted to the bar in 1791, and began practice in Westmoreland, New Hampshire.

Mason was active in state and national politics. He was Attorney-General in 1802, and from 1813 to 1817 was United States Senator. For many years he was in the New Hampshire Legislature, and was author of an able report on the Virginia resolution touching the Missouri Compromise.

In 1837 Mason removed to Boston, where until severely years of age he was extensively engaged in his profession. His mind was clear, logical, and extremely vigorous, the characteristics of which Webster said, were "real greatness, strength, and sagacity." Mason died in Boston October 14, 1848.

As concerns Mason's ability as an advocate, he was quite on a par with either Choate or Webster as a jury lawyer. His style was plain and conversational. He was far from an orator. His method was to go close to the jury box, and by the use of straightforward, logical language, couched in the simplest and plainest of sentences, force conviction upon his hearers. Webster once declared that he owed "his own success to the close attention he was compelled to pay for nine successive years, day by day, to Mason's efforts at the same Bar."

Webster was perhaps his greatest admirer, and once said of him, "I would rather, after my own experience, meet all the lawyers I have ever known combined in a case, than to meet him alone and single-handed." Mason was reputed to be the greatest cross-examiner of his time practising at the New England Bar. Much of his success in this direction is attributed to his remarkable instinct for finding the weak point of the opposing witnesses when under cross-examination.

William Maxwell Evarts

William Maxwell Evarts, famous statesman and lawyer, was born in Boston, Mass., Feb. 6, 1818. He graduated from Yale College in 1837, studied law and in the year 1840 was admitted to the New York bar. He established his law office in New York City where he built up a large and lucrative practice. Evarts was one of the ablest and most eloquent members of the bar, and held a foremost rank in his profession for many years. He was the leading counsel employed for the defence of President Johnson in his impeachment before the Senate in 1868. President Hayes, recognizing the true worth of Evarts, appointed him Secretary of State in March, 1877. In January 1885 Evarts was elected United States Senator, holding the seat till 1891. He died in New York City, Feb. 28, 1901.

In the year 1881, after the con-
clusion of his term of service in the cabinet, Evarts went to Paris as a delegate of the United States to the International Monetary Conference. It was while there that he made his famous plea for the employment of both gold and silver in the money of the world.

Evarts is perhaps most favorably remembered as an advocate by his prominence in the famous Henry Ward Beecher case, which greatly heightened his already great reputation as a lawyer.

His remarkable versatility in that case as counsel for Beecher occasioned much favorable comment. In the discussion of points of evidence or in the summing up, he displayed equally his masterly talent.

The speeches which Evarts made in court were clear, calm and logical. He had a point to bring out or a certain phase of the case to impress upon the minds of the jurors and he proceeded to do so without using expletives or superfluous language. He has been often alluded to as "the Prince of the American Bar."

His physical appearance was, to say the least, not very imposing, for he was a man slightly below the ordinary height, being five feet seven inches tall, very thin, and with a dried-up, yellow face, one writer once referring to the latter as "a face like parchment."

Evarts was a gentleman of high scholarship and fine literary tastes. One humorous contemporary has described his manner at trial as "all head, nose, voice and forefinger."

**Brief History of Weights and Measures**

(Continued from page 6)

These are but samples and many are still in use daily defrauding the poor, committing moral crimes worse than picking pockets.

The second form of evil is the one where the dealer uses heavy wrapping paper on the polished glass scale pan for "sanitary reasons" and incidentally to have the customer pay for two ounces of paper; a brine-soaked or heavy butter tray at the price per pound of the meat or butter.

Here also we find the butcher who weighs his thumb or knife by quickly but steadily and stealthily prying under the weight side of the scale, thereby assisting the hard-earned cents and dollars out of the hands of the widow washerwoman.

**Dishonest Merchants.**

Everyone who has observed rush hour trading has noticed the trick of throwing the meat on the spring scale and reading the pointer to the graduation to which it bounds instead of waiting for a steady reading:

A grain merchant, selling three carloads of grain per week at $1.60 per hundred weight, if he includes the bag, weighing one pound for every one hundred pounds of grain sold, sells these bags for, or gains an illegal profit on the bags of over $1,000.00 per year; in other words, gains illegally $1,000.00 per year over a competitor in the same town selling grain at the same price per pound and delivering net 100 pounds. If the bag weighs more, and I think some do, the loss to the consumers is more, for a pound-and-a-half bag would give such a dealer $1,500.00 per year illegal profit.

The merchant selling meat at 30c per pound and averaging one ounce of wrapper and string with each pound sold, on a sale of 500 pounds per day, would receive in the course of a year, a profit not belonging to him amounting to over $1,400.00, and at the small amount of one-half ounce to a pound, for wrappers, etc., would
mean an unjust profit of $700.00.

In regard to butter, if we in Massachusetts have a complaint that any certain creamery in Vermont is sending short butter into our State, the State Department notifies the Vermont Commissioner and the creamery is called to account. This supervision is working to the benefit of the Dairymen in Vermont, for the merchants in Massachusetts, at least, feel assured that the Vermont Creamery will deliver full weight, and with this assurance they feel disposed to favor the Vermont trade.

Questionable Methods.

Time does not permit me to call your attention to the specific instances of picture cord, 19 feet short in 25 yards, thread and yarn, 25 percent short; braid, ribbon and tape, from 5 to 10 percent short; toilet paper of less than 500 sheets when sold as 1,000 sheets; wall paper, from 5 to 10 percent short; writing pads, 10 percent short; some flavoring extracts 25 percent short; flour, when you pay for the bag that cannot be made into bread, at the price of flour; butter prints from 5 to 25 percent short of a pound; butter in crocks, 10 to 30 percent short; lard sold in No. 3, No. 5 and No. 10 pails, but not 3, 5 or 10 pounds; coal sold to the poor at $13.50 per ton; wood in stacked barrels, and kindling in short bundles; matches sold to the consumer as boxes of 500 and not holding 400; paints and oils shy in quality and quantity; the list could be extended ad infinitum through the whole list of articles that are put into our bodies, on our bodies, over, under or on the side of us, indeed whether it be for ourselves, our dogs, horses or cows or for our stoves, furnaces, or our streets.

What are the causes of these evils? The faulty apparatus or false use of correct scales, weights and measures, is due to ignorance, negligence, acquired dishonesty or inherent dishonesty.

Results of the three evils are evident. We pay for things we do not get, and as many of the shortages violate no statute, and as in the case of package goods are only taking advantage of the fact that we have an exceedingly poor visual concept of quantity, though few realize it or are even willing to admit it, yet the purchasing power of a dollar is reduced.

The poor, the very ones who need the fullest protection, suffer most.

Federal Legislation Needed.

We need Federal Legislation giving to some Bureau, power to regulate and pass upon the types of scales, weights and measures that can be manufactured and used.

Bundle hay is received in this State that will not weigh up to the markings on the bale. A correct tolerance for hay should be established to allow for reasonable shrinkage to be used in adjusting the scale of this commodity.

The subject of marked weights on bales of hay was investigated in 1911 by the Sealer in one of our largest cities, and he reported from one shipment he weighed up 18 bales billed as 1,886 pounds and the shortage was 266 pounds, a little over 14 percent. About $25.00 a ton, this would have caused a loss to the purchaser of about $3.50. In Massachusetts the seller was liable to prosecution.

The maximum fine for the first offence would be $50.00; second offence not more than $200.00, and for a subsequent offence, a fine of $50.00 and by imprisonment for not less than 30 days nor more than 90 days. (Chap. 163, Acts of 1911).

We need a National Net Container law framed to be equitable alike to the producer and consumer.
Few of us stop to think, when purchasing package goods, what quantity we are receiving for our money. Our Department made a limited investigation in this line for the High Cost of Living Commission.

Regarding Prosecutions.
In regard to prosecutions, I have but a word to say. I do not believe that the number of prosecutions indicates the efficiency of the sealer, any more than the number of arrests indicates the efficiency of the policeman. A sealer should use tact and good judgment in every case. Prosecution for a first offense may often destroy the function of the office of the sealer, for it is his duty to cooperate with the merchants, and when he finds a merchant giving short weight he should consider that the merchant is not intentionally dishonest until he has proved him such. I believe that a warning often times has much better effect than prosecution in court, because a warning, in one sense, places a man upon his honor, while a prosecution in court takes his honor away.

In closing, I know of no better word to leave with you than to quote a remark made by our ex-Governor Guild, in referring to the weights and measures situation, a few years ago: “Good citizenship is benefited by the enforcement by statute of common honesty in everyday dealings of one man with another in every walk of life. Some reforms only touch the average citizen once in a lifetime, but the enforcement of honest weights and measures touches every human being at every moment of the day.”

SOME RECENT OPINIONS OF DEAN ARCHER’S “EDUCATIONAL OCTOPUS.”

“It is a fascinating story.”
Dr. A. Z. Conrad,
Park Street Church, Boston.

“I consider it one of the best books I ever saw for young people. To my mind it is a classic. The diction is simply superb. The incidents and events are narrated in such a simple, graphic style and the whole book is so full of the best human interest that it cannot fail to do great good wherever read, and I feel sure it is bound to have a very wide reading.”
Rev. Howard R. Vaughn,
Urbana, Ill.

“It may be that I am more impressed by it because I was in a position to see for myself the struggles of the school in one of its most critical periods, but be that as it may, I have never in my life read a more interesting book. The thing above anything else of which I wish to speak is this—it would seem to me that the book must be an inspiration to anyone reading it to fight the fight (and who is there that has not one?) to a finish and then fight. Certainly to me it has afforded a renewing of the belief that if one will pay the price in unceasing labor, he can be what he wills.”
John F. Stinchfield,
Clinton, Maine.
Freshman Notes

Labor to give the best expression to yourself, rather than to make the best impression on others.

HE'S IN AGAIN.
After having searched for a short period for a small coin that had manoeuvered from his sight, "Beau Brummel" Walsh remarked, "O well!" snapping his fingers, "what do I care for money. Nickels come sixty cents a dozen.

We have a new one, fellows; here it is: "Haven't we some way of diluting the air in this room?"
Timid voice from the corner. "Open a window."

INQUISITIVE QUESTIONS.
Can you attach the good will of a man?

If a man hasn't a cent in the world can you collect a hundred dollars from him?

ALIENISTS TAKE NOTICE.
One of our brilliant freshmen remarked, to the mirth of the class, "All persons are sane until they are insane." Shall we now take a vote on it?

Some people think of the maxim, "Hitch your wagon to a star" only at such time when they expect the credit man, and then they are usually in the wagon.

ANY DOUBT ABOUT IT?
The class was treating that portion of contracts wherein the contractual capacity of a married woman is stated, when the following flippant assertion was made: "A married woman can do about anything now."

THE BREAK OF DAY.
When the sun from out the east is rising, bright,
And the moon on the western sky has sunk from sight;
When the rosy-hued clouds scurry on their way,
Then we believe it's the break of day.

A rumor has found its way into the school from "loveland" to the effect that Reiser has taken "Cupid's" bar exam and has successfully passed, with honor. Congratulations, Reiser!

BARRED AT THE BAR.
By the Dean Himself.
"If any man is headed on the drunkard's road he should be turned from it before he reaches the 'bar.'"

UNINTENTIONAL WITICISMS.
I see a great many pupils who are absent.

Presented to the School.
Students and alumni of the school will be interested to know that Mr. William G. Dolan, '12, has recently presented the school with a set of "Ruling Case Law in ten volumes, which has just been installed in the school library. It is a very welcome addition to the library and will doubtless be frequently consulted by the students, for it is the very latest authority.
Q. 6. P and D orally agreed in April, 1908, P to let and D to hire P's estate at the seashore for the months of July and August, 1908, at the rate of $200 per month. June 1, 1908, D notified P that he would not take the place. June 15, 1908, P brought suit against D.

(a) Can he recover?
(b) If P had brought his suit Sept. 15 could he then have recovered in any form of action?

ANSWER 6.

No. P had no right of action. An interest in land created without writing in an estate at will only.

R. L. Chap. 127 Sec. 3.
The agreement was also within the Statute of Frauds being "a contract for the sale of lands, tenements, or hereditaments, or of an interest in or concerning them." (R. L. 74, 1, 4.)

Even if P had a cause of action, it would not arise until after breach July 1. Mere repudiation does not constitute an anticipatory breach.


Q. 7. (a) What is meant by process?
(b) What process is issued in the following proceedings:
   1. An action at law?
   2. A suit in equity?
   3. A probate proceeding?
   4. A suit for divorce?
(c) By whom may process be served in each of the above mentioned proceedings?

ANSWER 7.

(a) Process is a form of notice issued by a court service of which gives the court jurisdiction.

(b) (1) A writ.
(2) A subpoena.
(3) A citation.
(4) An order to show cause.
(c) (1) A sheriff and in small cases a constable.
(2) A sheriff only.
(3) Any disinterested person.
(4) A sheriff only.

Q. 8. (a) What is meant by contempt of court?
(b) How may it be punished?
(c) Is contempt in court treated differently from contempt out of court, and if so, how, and for what result?
ANSWER 8.
(a) Contempt of court consists of some disobedience of the rules, orders or process of the court or in disturbing the court in its proceedings, or obstructing service of process.

(See Bouvier "Contempt").
(b) It may be punished by fine or imprisonment, or both, or in the case of an attorney or court officer or juryman, by removal or suspension from office.
(c) By statute in some states the court is not allowed to punish in a summary way certain acts of contempt committed out of court. The offender must be indicted and allowed a jury trial.

Cartwright's Case, 114 Mass. 230.

Q. 9. When, if at all, may a witness be examined by the attorney for the adverse party before the close of the direct examination?
(b) Brown, attorney for the plaintiff, asked a witness on direct examination to look at his diary and see if it refreshed his recollection. Jones, attorney for the defendant, asked to see the diary, and asked the witness some questions as to its contents. Brown then offered the diary in evidence and Jones objected to it as incompetent. How should the court rule?

ANSWER 9.
(a) Then a witness is offered as an expert and a question is made as to his being qualified.
So also when a document is sought to be used to refresh the memory of a witness, he may be cross-examined as to its history and as to whether it really does refresh his memory.
(b) That Jones by taking it and looking at it and asking questions about it generally and not simply to test its competency to refresh the memory of the witness, made the diary competent as evidence.

Com v. Jefts, 132 Mass. 5.

Q. 10. (a) What is required in a declaration where the action is upon a written contract?
(b) Can three promissory notes be declared upon in one action, and if so, how?

ANSWER 10.
(a) A copy of the contract must be annexed or the substance of it stated and there must be an averment of preference on the part of the plaintiff or of a waiver of performance, or in some cases of an offer to perform.
R. L. Ch. 173, Sec. 6, Cl. 10.
(b) Yes. There must be a count on each note.
R. L. Ch. 173.

Q. 11. When and how is it permissible to refresh the memory of a witness upon the witness stand?

ANSWER 11.
By leading questions or questions in which the attention of the witness is directed to certain points.

Moody v. Rowell, 17 Pick. 498.
By letters, memoranda or documents written at or about the time of the events referred to either by the witness or by some person which according to the testimony of the witness serve to refresh his recollection.


After the memory of a witness has been exhausted by general questions he may be asked leading questions.

Documents and letters may be used to refresh the memory of a witness.

A memory which is assisted or refreshed by a record made at the time of the event has more weight than a memory which is unaided, and it would seem to be the better rule to allow the use of letters or memoranda to refresh memory whenever the same are available.

Q. 12. (a) What is meant by an ex parte hearing, and when is such a hearing proper and when is it improper?

(b) An attorney in preparing to argue a case before the Supreme Judicial Court, finds a Massachusetts case unfavorable to his side of the controversy. He has reason to believe that neither the attorney on the other side nor the judge knows of the case.

ANSWER 12.

(a) A hearing where only one party is present or represented. It is proper in those matters only where the court may properly act without notice to the other side, e.g., in issuing an injunction or authorizing an attachment.

(b) An attorney is an officer of the court and owes a duty to the court as well as his client. He should inform the court of the case and try to distinguish it.

(I think counsel is bound to disclose to the court all the law he knows of, to enable the court to decide correctly. H. W. B.)

Q. 13. An indictment charged B with obtaining goods by false pretenses. It alleged in technical language that B obtained a watch belonging to A in exchange for one owned by B by falsely representing to A that his, B's watch, was a gold watch, eighteen carats fine, and worth one hundred dollars.

At the trial it appeared in evidence that A represented his watch to be of silver and worth fifty dollars, and that it was not of silver and was worth about two dollars.

The defendant requested the presiding judge to instruct the jury that if A's watch was not worth fifty dollars and was of trifling value, the indictment could not be obtained.

Should the ruling be given?

ANSWER 13.

No. "If it were true that the party from whom the deft. obtained goods by false pretenses, also made false pretenses as to his goods, which he exchanged with the deft., that would be no justification for the deft. when put on trial upon an indictment charging him with obtaining goods by false pretenses, knowingly and designedly in violation of a statute of this Commonwealth."

Com. v. Merrill, 8 Cush. 571, 573.

Q. 14. In an action by Garland against Hoffman the plaintiff offered evidence tending to prove that Hoffman was the proprietor and keeper of a hotel; that he, the plaintiff, applied at Hoffman’s hotel late one night for a room and accommodations, and was put into a room with two beds, one of which was already occupied by another guest, who was a stranger to him; that Garland had a watch and chain and twenty dollars in his pocket when he retired; that on retiring he locked the door to the room; that in the morning when he awoke, his fellow lodger had gone, and Garland’s watch, chain and money were missing and no other person had access to the room.

Defendant offered no evidence and requested the court to rule that on all the evidence the plaintiff could not recover.

Should not the ruling be given?

ANSWER 14.

No. Innkeepers are answerable for the honesty, not only of their servants, but also of the guests.

Gile v. Libby, 36 Barb. 70.
McDaniels v. Robinson, 26 Vt. 337.
A prima facie case is made out against the innkeeper on proof that one brought, as guest, certain property, infra hospitum, which on proper demand, was not restored to him; the onus of exonerating himself devolves then upon the innkeeper.

Schouler Sec. 245. Former Ed. 299, 300.
8 Wend. 547.
27 Miss. 657.

"The liability of innkeepers in this state, as well as in England, is like that of common carriers. They are regarded as insurers, and answerable for any injury or less upon the property of their guests committed to their care, not caused by the act of God, or the common enemy, or the neglect or fault of the owner.

Masom v. Thompson, 26 Mass. (9 Pick.), 280.
20 Am. Dec. 371."

"An innkeeper shall not be liable for losses sustained by a guest, except of wearing apparel, articles worn or carried upon the person, personal baggage and money necessary for travelling expenses and personal use."

Liability limited to $1000 unless special deposit, and then to $4000.

R. L. 102 Sec. 10.
Regulations must be posted in conspicuous places and defendant may show that loss was caused by negligence of guest or failure to comply with reasonable or proper regulations properly posted.

R. L. 102, Sec. 17.
This statute seems to make innholders only limited insurers.

Q. 15. Solely through the negligence of Clarke, Jones was run into and injured by an automobile driven by Clarke, and at the same time a plate glass window worth $500 belonging to Smith was smashed by Clarke’s negligence. Jones and Smith, each in writing assigned to Robinson his claim against Clarke.

Can Robinson maintain any action in either case?
ANSWER 15.

He can maintain an action on Smith’s assignment, but not on Jones’.

“No case is cited where it has been held that an assignment for a claim for damages for an injury to the person has been held good when the assignment was made before judgment in an action for the tort.

Such claims were not assignable at common law.”

“At the present day claims for property and for torts done to property are generally to be regarded as assignable.

Rice v. Stone, 1 Allen 566.
Flynn v. Butler, 189 Mass. 377-89. (Acton of tort for personal injuries not assignable before judgment.)

January 1, 1910, Afternoon Paper

Q. 1. A was driving through a street in Boston in a light buggy. He was in the exercise of due care. One of the wheels of his carriage dropped into a hole in the street. A was thrown out and injured and his horse ran away and struck and injured B, who was standing in his own yard at a point distant 300 feet. B was exercising due care.

(a) Can A maintain an action against the City?
(b) Can B do so?

SOCIETY NEWS.

Cummings and Markey of the Sophs are now thespians, playing in the lenten drama “Nazareth.” This explains their early departure from lecture every Monday night.

Item of Interest:—Mr. and Mrs. I. F. Freedman announce the engagement of their daughter, Elizabeth J., to Mr. Samuel T. Aronson. Congrats, Sammy, old boy.

Marty Cummings almost “put one over” on Prof. Yorke one night, when in the midst of a volley of questions, he asked the learned instructor the answer to the night’s problem. But the “Prof.” caught himself just in time, and accordingly the “stewies” had to make their old brain machinery work.
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