HE WHO RIDES MAY READ

Gleason L. Archer, LL.D.

Two incidents occurred during my recent automobile trip to eastern Maine illustrating the opposite extremes of human qualities.

The first occurred on the Newburyport Turnpike. It was early morning and a heavy rain was falling. Through the arc of cleared glass of my windshield where the raindrop scraper performed I espied ahead of me a shabby old touring car with side curtains drawn. It was evidently occupied by four people, a joy-ride if you please in the dreadful storm.

Suddenly the car ahead stopped and thanks to four wheel brakes my car stopped also. My surprise at the action was at once answered. A red hat, face and coat, and a young woman "leaned over the rail," quite evidently the victim of unwholesome and poisonous beverage. Truly a revolting spectacle and illusive of the ignoble and bestial in humanity.

The second incident occurred on the following day to Bangor, they having just been drawn. It was evidently occupied by four people, a joy-ride if you please in the dreadful storm.

One of its members Joseph M. Cronin, passed the Massachusetts Bar examinations while a Junior; and six were successful in the examinations last December, namely, Patrick A. Menton, John H. Gilbert, Bernard F. Gately, Michael J. Watman, Fred E. Burden and Joseph Rothstein.

Clubs and school spirit has developed to a high degree and is reflected in a large measure among the undergraduate students.

The graduating class has been the subject of frequent comment and praise, by Dean Archer, for its consistent high scholarship from early Freshman to its last Senior days—as evidenced by the monthly school Bulletin.

Two hundred and fifty-three men will receive the degree of LL. B., at the commencement exercises of the Senior Class of Suffolk Law School, on June 5th. This is a record number, the largest class previously bearing of that of 1925 with two hundred and nine graduates. Twenty-two of the present class will graduate as of February 1925, having entered the school at mid-year, 1923.

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SUFFOLK ALUMNI NEWS

The last meeting of the Luncheon Club for the season was held at Hotel June 27, 1925, at 7:45 P. M., with President Brennan presiding. Twenty-five were present and these were representative Suffolk Alumni from nearly all classes. Wilmot R. Evans, President of the Boston Five Cents Savings Bank, Trustee and Instructor at Suffolk, gave a most interesting talk. The Contrast of Problems and Possibilities of the Textile Industry in Massachusetts vs. Texas. Mr. Evans just returned from a month's trip through Texas, and from his close study of the state, he gave many facts of interest and value. Justice Eldridge G. Davis, of Malden, honored the occasion by his presence, as guest of genial William J. Kelly, '20, Chief Probation Officer of the Malden Court. Judge Davis' remarks bore strong assurance of the court's desire and intent to do its duties. The measure of justice regardless of the school or creed of a client's counsel. One feels that is such the case when he reads before the polls. We trust that we may have the honor of having Judge Davis as speaker at one of our meetings or banquet's later.

HEFFERNAN SALARY TO WIDOW

Despite the veto of Governor Puller, the bill to permit the City of Boston to pay the balance of the salary (which is only about $500) of former President John J. Heffernan of the City Council, to his widow, has become law. This bill is a personal tribute to one of the most brilliant and popular legislators of the past many years. Heffernan served his district ably in the Legislature and later in the Boston City Council. A young man destined to advance high in the councils of his party, his untimely death deprived the people of an able and honest public servant. Heffernan graduated from Suffolk Law School in 1915, devoting his years since his graduation to the study of the polls.

There is another proposed change which has agitated the minds of many of our legislators, lawyers, and public men for some time past, which provides that the President of the United States be elected by direct vote of the people instead of the method now in vogue (which seems to some to be more and in some views, that, is, of electing the people in the various states, who then send a transcript of their records and proceedings to Washington, where they are finally examined and the victor belatedly declared. We elect our governors by direct vote; we select our congressmen and United States senators by direct vote, in fact, most of our public officers are elected by popular vote, therefore, "Why," many say, "should not the people of the United States be elected by a round-about, old-fashioned and cumbersome piece of machinery?" Because of the President's Statutory Law, man and people believe that they are taking

(Continued on Page 7)
SUFFOLK TO SUFFOLK
SERVICE BUREAU

The Alumni Office is ready to co-operate by giving information on recent decisions, state and national legal research; on legislative affairs; and such matters of business concern as may fall within its scope. Information on national government activities and appointments may also be obtained from the sources in Washington, should such questions arise.

Second Annual Alumni Banquet, Monday, June 4th, at 6.00 P. M., at Hotel Bellevue. All members of the Senior Class will be guests of the School at this banquet. All Alumni whose 1928 dues ($10) are paid will receive their Banquet invitations. Any further charges will be by vote. May 10th: "All Alumni may become active members of the association on payment of the $10 annual dues only (thus eliminating any initiation fee); except that members of each succeeding graduating class may join for $5 on Commencement Day. This opens the way for many more to join us on this memorable occasion. Be prompt and obtain your reservation. Roderick J. Peters, '24, chairman of the Banquet Committee, has arranged a rare program.

Hon. Wellington Wells, President of the Massachusetts Senate, will represent the Commonwealth; Hon. Winfred H. Whiting, Associate Justice of the Superior Court of Massachusetts, will represent the Judiciary. Hon. Thomas J. Boynton, former U. S. Attorney for Massachusetts and President of the Board of Trustees, will represent the Trustees. Hon. Gleason L. Archer, Dean of Suffolk Law School and Founder of the Alumni Association, will represent the School. Hon. Jacob H. Brennan, former Massachusetts Senator and President of the Alumni Association, will represent the Alumni. C. F. J. McCue, President of the graduating class, and Past Exalted Ruler of the Cambridge Lodge of Elks, will represent the Seniors.

The entire program includes piano selections by Bernard Eegyes, Class of '17; popular vocal selections by H. P. Yoffe with Harry Slonsinich at the piano, both of the Senior Class; and a special program will be rendered by the Vitali Podolky Opera Company, which consists of Vitali Podolsky, the Golden Tone violinist, feature artist of WBZA and WBZ, and a member of the graduating class; Mrs. Thomas J. Boynton, celebrated pianist; and accompanist; and Miss Ida Verbina, prima donna, debutante of the St. Carlo Opera Company and the Boston Symphony Pop Concerts.

Open House at Alumni Headquarters, 73 Hancock Street, June 5th. Alumni and Suffolk friends are invited to visit our Club House on that day, when it is open for informal reception.

First Alumni Class Day Dinner: For the convenience and pleasure of Suffolk men and their families and friends the Alumni Association has arranged a Suffolk "Family Reunion" at Hotel Bellevue from 6.00 to 6.30 P. M., on Commencement Day. The occasion is an informal dinner at the nominal cost of $1.00 per plate; with entertainment by Suffolk men and with Suffolk speakers. The menu is sufficiently substantial to satisfy the hungry, yet varied to suit the fastidious. Fruit punch, olives, nuts, assorted cold cuts (apleiny), potato salad, buttered rolls, ice cream, cake, coffee.

This answers the questions, "Where shall we eat? What shall we do between the exercises?"

Come early. An hour and a half in real Suffolk fellowship.

Make your reservations promptly through the Alumni Secretary, 73 Hancock Street, Boston; Hay 0739. Checks payable to Suffolk Law Alumni Association. All reservations must be made not later than June fourth that we may insure proper hotel accommodations for the dinner.

Very sincerely,

ALDEN M. CLEVELAND.

COMING EVENTS

Suffolk Alumni Outing in June or July! Watch for announcement. Frank Keezer, Chairman Committee.

A Short, Special Business Session will be incorporated in the Banquet program to vote into membership and welcome the large Senior Class and other graduates who join the Association from the school who will represent the Senior Class.

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The Nineteenth Annual Class Day and Commencement Exercises of the Suffolk Law School will take place on Tuesday, June 5th.

Class Day Exercises will be held in the school auditorium at 2:00 P. M.

Chas. F. J. McCue, president of the Class of 1928, will preside. These exercises are to be on a larger scale than ever before attempted by a graduating class and promises to be a fine affair. (See Pg. 1, "Class of 1928.") Mr. McCue is a well known resident of Cambridge and an active citizen in the community. He has been a member of the School Board for the past ten years, serving six years as its vice-chairman. Fraternally he is a national figure in the B. P. O. Elks, having held various local and national offices for the past twenty years. He is now Past Exalted Ruler of the Cambridge Lodge. Last year he raised the national head of the order. He has been president of his class for two years.

Commencement Exercises will be held on the same evening in Tremont Temple at 7:30 P. M. Dean Archer has been especially fortunate in securing United States Senator Royal S. Copeland, of New York, who will deliver the Commencement oration. This distinguished visitor is former Mayor of Ann Arbor, Michigan, Commissioner of Public Health in New York City, and President of the Board of Education of that city for many years. He is also a well known lawyer who received his medical training in the University of Michigan and taken post graduate courses in England, France, Germany, Switzerland, and Belgium. He is the author of several text books, the most popular of them being "The Book of Health."

the Thomas J. Boynton, President of the Board of Trustees, and Dean Archer will also speak. Vice-President Joseph F. O'Connell will preside.

Tickets for the evening exercises may be procured at the school. As there are a limited supply, graduates wishing to attend should make application at the school immediately.
made by the company to the United States for the use of the Coast Guard fleet in service in the Gulf of Mexico and its Veterans' Hospital at Gulfport. The State Supreme Court held the tax valid. The United States reversed the judgment of the State Court on the ground that a State cannot "lay a tax upon transactions by which the United States secures the things desired for its governmental purposes."

Mr. Justice Butler, speaking for the Court, said: "The amount of money claimed by the State rises and falls precisely as does the quantity of gasoline so secured by the Government. It depends immediately upon the number of gallons. The necessary operation of these enactments when so construed is to directly retard, impede, and burden the exertion by the United States in respect to such purchases remain untrammeled."

Mr. Justice Holmes did not agree with the majority opinion. A part of his dissent ran as follows: "The Supreme Court of the State upheld the tax and pointed out the extreme consequences to which a different decision might lead.

"It seems to me that the State Court was right. I should say plainly right, but for the effect of certain dicta of Chief Justice Marshall, which culminated in the doctrine that the power to tax is the power to destroy. In those days it was not recognized as it is to-day that the distinctions of the law are distinctions of degree. If the States had any power it was assumed that they had all power, and any alternative was to deny it altogether.

"But this Court which so often has defeated the attempt to tax in certain ways can defeat an attempt to discriminate or otherwise go too far without wholly abolishing the power to tax. The power to tax is not the power to destroy while this Court sits."

Nectow v. City of Cambridge.

(Decided May 14, 1928.)

Nectow owned a tract of land containing 140 square feet in Cambridge, Mass. He had an outstanding contract for the sale of a large part of this land when a zoning ordinance was passed restricting the residences to 100-foot strip on the west end of the land. The territory east and south of the locus in question remained unrestricted. The Ford Motor Company has a large auto assembling factory south of the locus; and a soap factory and the tracks of the Boston & Albany Railroad are near. Opposite the locus on Brookline Street there are some residences and opposite the locus on Henry Street there are other residences, all of which are within the same residential district. The purchaser refused to take title because of the restriction. Nectow asked for a mandatory injunction directing the city officials to issue a permit, upon application, for the erection of any lawful structure. The Supreme Court denied the relief asked.

"Here, the express finding of the master is that the health, safety, convenience and general welfare of the inhabitants of the property affected will not be promoted by the disposition made by the ordinance of the locus. The invasion is wanton. Zoning authorities come within the ban of the Fourteenth Amendment and cannot be sustained."

SUMMER READING FOR THE LAWYER AND THE LAW STUDENT

Francis F. Garland

Summer is the time for rest and recreation for the law student. It is also an excellent time for review and self-improvement. All seasons are proper seasons for study. "Studies," says Bacon, "serve for pleasures, for oraments, for abilities; their chief use is to make their users fit to execute, but learned men are more fit to judge and censure. To spend too much time in them is sloth; to use them too much for ornament is affectation; to make judgment wholly by their rules, is the humor of a scholar; they perfect nature, and are themselves perfected by experience; crafty men condemn them; wise men use them; simple men admire them; for they teach not their own use, but that there is a wise man without them and above them won by observation. Read not to contradict nor to believe, but to weigh and consider. Some books are to be tasted, others to be swallowed, and some few to be chewed and digested; that is, some are to be read only in parts, others to be read but curiously, and some few to be read wholly with diligence and attention. Reading maketh a full man; conference a ready, and writing an exact man; therefore, if a man write little, he had need of a great memory; if he converse little, he had need of a present wit; if he read little, he had need have much cunning to seem to know that he doth
not know. Histories make men wise; poetry witty; the mathematics subtle; natural philosophy deep; moral grave; logic and rhetoric able to control."

These sententious words of Bacon and Jevons should be remembered by the lawyer and the law student and impart advice so sound that they need no comment. They can, however, be profitably repeated by the young student by the addition of some specific suggestions.

Every student should review during the summer the work of the last school year, and, if he is a graduate, he should review carefully all the subjects of his law school course. For a general course on rhetoric, and Jevons' Primer of Logic is a helpful manual for beginners. Lessons on argumentation and sound reasoning must be cultivated assiduously. Every lawyer who pretends to be well informed should read "Great Jurists of the City of Boston," and "Great Jurists of the United States." These are particularly applicable to the lawyer and the law student.

This series consists of "Science Primers," "History Primers," and "Literature Primers." These are all interesting little manuals written in a clear style by specialists of recognized authority. They will amply repay careful reading. For the more advanced and ambitious student "The Harvard Classics" is a treasure house of knowledge and wisdom and an incomparable source of culture and inspiration.

WITH THE SOLONS
Leo J. Halloran

The efforts of certain persons to prevent members of the Legislature from practicing law under certain conditions, reminds us of a certain justice in one of our district courts, who disposed of a case for one week because counsel, who was a legislator, desired to attend the final session of the Legislature, told the legislator that he should either practice law or be in the Legislature, that he couldn't do both. Incidentally, the same afternoon, a bill came before the House to increase the salary of district court judges, and the argument by the proponents was that they were poorly paid. We wonder, in some instances...

Elijah Adlow, legislative counsel for the City of Boston, has urged that the City of Boston be exempt from the provisions of the Uniform Traffic Signal Bill. Speaking of Adlow reminds us that he was, while a representative, one of the most brilliant debaters in the House of Representatives.

The Hurley bill increasing the specific payments under the Compensation Act has passed to engrossment. Senator Davis, of Haverhill, who has been an active member of the Reading Investigating Committee, opposed its passage.

Rep. Power, of Winthrop, has presented a bill, the effect of which would be to prevent attorney generals from practicing law during their terms of office. Later he presented a bill to increase the salary of the attorney general from $8,000 to $10,000.

Rep. DuBois, of West Stockbridge, has announced his candidacy for the Senate against Senator Judd, of Southampton. Rep. DuBois will be recalled as the legislator who took the floor of the House a few years back and assailed the members of the Legislature whom he alleged had liquor in their locker; for which effort the newspapers gave the Legislature some unpleasant publicity.

Sen. Thayer, of Lancaster, is boosting the stock of Sen. Bacon of Boston, as the next president of the Senate. He names Sen. Wragg, of Needham, as the probable successor of Bacon. Bacon is a very influential member of the Legislature and very popular.

Rep. James, who has received considerable publicity as chairman of the Reading Investigating Committee, will oppose Sen. Wragg for re-election. James is an able lawyer, very popular, and a fine vote getter.

It looks as though the East Boston Tunnel bill will be shunted aside and a committee appointed to investigate ways and means.

The resolve for the investigation of fire insurance rates has been adversely reported, with several dissenters.

The bill providing for appeals from decisions of Fire Marshal Neal to the Superior Court has been signed by the Governor. The Commissioner Foot of the burden of hearing appeals.

The Governor's veto of the bill increasing the salary of District Attorney Crossley, of Fall River, has been upheld.

The bill increasing the salaries of the clerks of the Supreme and Superior Courts has been rejected.

The House killed the resolve to restore to Nathan Margolis his license to operate motor vehicles. (A pedestrian was killed by Margolis' car some time ago, when commandeered by a policeman.)

The Governor has allowed the bill extending the time for widows of World War veterans to claim state aid to become law without his signature.

The message of the Governor relative to the pay increase bill for judges of the Superior and Supreme Judicial Court was that the increases be modified.

The Governor's veto of the bill to increase the salary of the District Attorney of the Southern district so-called, comprising the counties of Bristol, Barnstable, Dukes and Nantucket, was on the ground that it would necessitate the increasing of the salaries of other district attorneys.

The Department of Public Utilities has approved the consolidation of the Boston Consolidated Gas Co. and the Citizens' Gas Light Company of Quincy. This will be good news to the residents of Quincy, where rates have been very high. The Boston Consolidated Gas Co. proposes to give Quincy the same rates as Boston.

The bill for building a new bridge between Boston and Quincy will be shunted aside and a committee appointed to investigate ways and means.

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JUSTICE FOR POOR AIM OF SOCIETY

Warren A. Fogarty

Organized more than a quarter of a century ago, for the purpose of securing justice for persons too poor to pay an attorney a reasonable fee, the Boston Legal Aid Society during the year 1927 handled nearly 8,500 cases for clients of all races, colors and religious beliefs.

Twenty-eight classes of cases were handled for clients of twenty-one nationalities by the staff of twelve lawyers, guided at times by many of the leaders of the Boston Bar who serve on the directorate of the society without compensation.

Applicants for legal assistance who appeal to the society are referred to an attorney of the staff, who determines the financial ability of the prospective client, hears the facts of the case and decides whether or not the matter is one in which the society should represent the applicant.

An applicant pays a fee that discloses sufficient income or property to engage a lawyer in private practice to handle his case, the staff attorney refers the applicant to competent outside counsel selected by the client.

While financially responsible persons occasionally impose on the society, such instances are rare.

After determining that the applicant cannot afford to retain private counsel, the staff attorney, who has conducted the investigation and made a record of the facts continues with the case until its final determination.

If the type of case is one which is handled by a specialist member of the staff, the entire matter is referred to the expert for attention.

Workmen's Compensation cases, which the average private attorney does not wish to handle, are referred to the Compensation Department in charge of a member of the Bar who devotes his entire time to such cases. The necessity for investigation of facts and for medical data in this type of case has caused the society to engage a trained investigator and an assistant for the latter in charge of this division.

All municipal court cases, after the original interviewer has completed the pleadings, are referred to another member of the staff, who answers the lists, settles cases without trial, tries them before the various sessions of municipal court.

Cases in outlying districts, in superior court and probate court are generally disposed of by the staff member who first interviews the client.

Numerous social agencies, operating in the Metropolitan District, refer all legal problems connected with wards under their supervision to the Legal Aid Society. The Red Cross, when confronted with legal matters in connection with World War veterans, consults a member of the staff who handles all such matters; various homes for orphans and friendless girls seek the aid of staff members who have made a special study of the unusual situations constantly arising in such cases.

Among the attorneys, Federal, State, County and Municipal officers, doctors, clergymen, employers and for-mer clients of the society send in new cases. Many applicants are first made familiar with the work of the organization through the newspapers, social workers in hospitals and Metropolitan and local police officers.

Diversity of problems handled by the society is indicated by the following figures from the 1927 Annual Report:

Wage Claim 773, Debts 1420, Installment Contracts 409, Workmen's Compensation 346, Tort 587, Real Estate 297, Landlord and Tenant 605, Domestic Relations 1345 and sixteen other types of cases.

Nearly 3,000 persons were provided legal advice during 1927, approximately 1,000 cases were referred to private attorneys, more than 1,500 were settled to the entire satisfaction of the clients and advice was given after investigation to about 400.

Records of the society show that the average client served was a member of a family of three persons; average family income was $26.60 per week and monthly rental $26.00.

Nearly half of all applicants were unemployed at the time of appealing to the society for aid.

During 1927 the society was 42% self-supporting and contributions from lawyers and public-spirited citizens totaled 46% of all income. The clients, through fees of fifty cents and upward, paid about two-fifths of the operating expenses. Contributions from 979 individuals and firms furnished nearly half the funds necessary to carry out the work of the society, the constitution of which provides: "Its object and purpose shall be to render legal aid and assistance, gratuitously if necessary, to all persons who may appear worthy thereof and who from poverty are unable to procure it, and to promote measures for their protection."

It is interesting to note that on April 1st of this year near the older attorneys of Tokio, Japan, unitedly pledged themselves to care for the legal needs of the poor in that city in a manner much the same as is done by our American Legal Aid Societies.—Ed.

SUFFOLK ALUMNI NEWS

ALL SUFFOLK ALUMNI

who have paid their $10 Dues for 1928 before the Banquet, June 4th,

are entitled to a free banquet ticket!

(Tickets mailed Saturday, May 27th, to all members to date)

SIGN UP

with the Secretary and enjoy this great occasion!

ALL SENIORS

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By vote of the Association "Members of each succeeding Graduating class may join at Commencement time of the same year for $5.00."

You are invited to sign up with the Secretary before the Banquet

(office always open at The Club House 73 Hancock Street)

when the great body of graduates so applying will be voted into membership.

A GREAT EVENT

The largest graduating class banquet in the history of Suffolk Law School was held Saturday evening, May 26th, at the City Club, and the event proved a memorable occasion.

Jollity and exuberance of spirit prevailed, and never has there been a greater display of school spirit and enthusiasm in a single class.

About three hundred, including guests, gathered at the banquet board and enjoyed a rarely fine menu, a copy of which is published herewith because of its originality: Asparagus, a la McCue; Mulroy Celery; Wopert Olives; Cæsar Menton with Mushrooms; Ryan Croquettes; Reilly String Beans; McElaney Salad; Haggerty Ice Cream; Daly-Walsh Cakes; Famous Burke Coffee; Straight Metches; Keoghian Cigars.

C. F. J. McCue, president of the Senior Class, acted as toastmaster and proved himself still the Exalted Knight as "Master of Ceremonies," keeping jollity and exuberance of spirit prevailed, and never has there been a greater display of school spirit and enthusiasm in a single class.

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pressed their listeners with the power which the English language undoubtedly has when a master speaks before judge and jury.

Hon. James H. Brennan, President of the Suffolk Law Alumni Association, spoke forcibly in the interests of the School, of the Alumni Association, and of the Class of 1928, and gave a hearty invitation for a hundred percent membership of the class in the alumni work.

Mr. H. M. Cleveland, one of the honor men of the Senior Class, who passed the December Bar Examination, and is already an alumnus, presented a Washington Elm gavel, in behalf of his class, to the Suffolk Law Alumni Association.

The Secretary of the Alumni, Alden H. P. Yoffe of the Senior Class, a former member of the Keith Circuit, and a singer of fine ability. In song and in speech, he demonstrated the need of the young attorney and business man and the Association offers both.

All Suffolk men indicating their desire to be members of the Alumni Association by signing up before the banquet of June fourth, will be voted into full membership on that night.

The entertainment of the evening was presented under the direction of H. P. Yoffe of the Senior Class, a former member of the Keith Circuit, and a singer of fine ability. In song and in speech, he demonstrated the need of the young attorney and business man and the Association offers both.

The evening closed with community songs under the personal leadership of the Student Glee Club. May fortune ever favor members of Twenty-eight With fair rewards for labor where'er they associate.

WITH THE SOLONS

(Con. from Pg. 5.)

The Nicholson resolve for a special commission to study and revise the laws relating to shell-fish passed the Senate.

Cities of Cambridge and Everett have received a favorable report on their bills to borrow outside the debt limit for school purposes.

The two-cent gasoline tax bill is before the Governor, for his signature.

It is rumored that the legal affairs committee will favorably report the bill prohibiting the cropping of dogs' ears.

The House has approved of a resolving calling for a special commission to study municipal expenditures.

The Governor is active in vetoing bills which he considers dangerous or inadvisable.

DIRECT ELECTION OF THE PRESIDENT OF THE UNITED STATES

(Con. from Pg. 2, Col. 2.)

part in the nomination and election of a President of the United States by direct vote. But records show that in every election since the Constitution of our country's history has the choice of the popular primary ever been nominated by either of the political parties in their National Conventions, and, therefore, that the will of the people expressed at the primary, was of practically no effect. If this primary, however, were now considered and the candidates in the various states had their names on the primary ballot, the will of the people would be directly registered and would be effective. The same thing applied to the Election, on the National Election Day, for a President. As matters are now constituted, the nomination of most of our President candidates is placed in the hands of a very few citizens of America, the electors, who wield enormous power and who may directly represent millions of voters, who have expressed their preference, in Presidential primaries.

In the early days of our Republic there may have been good reasons for this present system; because of the slow means of travel and lack of telephone and telegraph connection; the absence of the automobile and the radio, and of the great Metropolitan press that now flashes news almost simultaneously to all parts of the United States and the world. But in my humble opinion there is no logical reason to-day for the continuance of what seems to me to be an outworn piece of constitutional machinery, except that it is a-going system, and a re-peted tradition of the ancient past. But I believe that with the advent of modern business methods and speed-up of our communications we should speed-up our constitutional agencies to keep pace with modern conditions. There is no more reason why we should have modern elections on the basis of the old stagecoach days than we should conduct our modern business on the basis of the old stagecoach days. Times have changed, people have changed, the government has grown so vast and our population so great that we ought to revise and alter this part of the Constitution to keep it up to date. I am heartily in favor of such a proposed change, and I do not think that the time is very far distant when we will see it come to pass.

RECENT MASSACHUSETTS DECISIONS

Arthur V. Getchell

Clause in Will Revoking Legacy to Contesting Legatee

In a well-considered opinion, Chief Justice Rugg has given us the answer to a much mooted question which has come squarely before our court for the first time, namely: Is a clause in a will invalid which purports to revoke a legacy if the legatee opposes the will? In the case of Butcher v. Searles, 1928 Adv. Sh. 531, executors petitioned for instruction as to whom to pay a legacy under a clause naming Searles as legatee. Searles was provided in a later article that 'all legacies contained in this will are given upon the express condition that the respective legatese shall not oppose the probate of this will, and if any such legatee shall oppose the probate of this will, then I revoke and annul all legacies to such person, and give the legacy thus revoked to the University of California.' Searles, who was heir at law of the testator, opposed the probate of the will, as a consequence of which a settlement was made between him and the residuary legatee whereby Searles received a large sum of money, and it was stipulated in writing that the settlement was not to be construed as a release by Searles of his right to a certain legacy bequeathed to him by the will. Claim was made to this estate both by Searles and by the university.

After an exhaustive review of the decisions, the court held that such a clause—revoking a bequest upon the testing legatee—is not against public policy, but is valid. The court, moreover, departed from the decisions of other jurisdictions and held that there was no exception in favor of a contesting legatee or devisee where the contest has been undertaken with probable cause and is justifiable.

* * *

Sudden Stopping of Street-Car

Weiner v. Boston Elevated, 1928 Adv. Sh. 613. Plaintiff, while standing in a surface car of defendant, was thrown by the sudden swerving and stopping of the car, which broke her hold on the strap by which she was supporting herself. There was testimony by defendant that the car stopped to prevent a collision with a truck, while plaintiff testified that she had looked ahead and saw nothing to cause the car to stop. A verdict for the defendant, as held by the court, is justifiable. This case contains an interesting discussion of the cases involving injuries to passengers by sudden jerks or jolts, the court pointing out that on a three-way danger confronting the motorman of a surface car may require sudden stopping, nevertheless the jerk or jolt may be of such unusual nature as to indicate negligence.

* * *

Grade-Crossing Accident

Lewis v. R. & M. R. R., 1928 Adv. Sh. 679. At a grade crossing the automobile in which plaintiffs were riding was struck by a passing railroad engine, and plaintiffs sued under G. L. c. 160, sec. 232, which allows recovery of damage by a person who is so injured by collision at a railroad crossing when it appears that the railroad's neglect to give the statutory signals contributes to the accident, unless it is also shown that the person injured or the person who had charge of that person was guilty of gross and willful negligence which contributed to the injury. The jury found that plaintiff's car crossed the road neglected to give proper signals, that such neglect contributed to the
accident, and also that the driver of the car was guilty of contributory gross negligence. The court held that, as the driver of the car was not the servant of any of the plaintiffs but was an associate of them, driving the car for them and himself, the drive was in charge of the car and its occupants within the meaning of the statute, and there can be no recovery.

PERSONAL MENTION

Percy F. Williams, '21, has relocated in general practice at West Dennis, Mass.

Louis Villani, '26, is with Judge Plimansky, 97 Exchange Street, Portland, Maine.

William F. Regan, January, '28, announces the opening of law offices at 6 Peabody Square, Peabody, Mass.

We regret to learn of the long and serious illness of J. Crawford Maxwell, '26, who has been especially co-operative in our Library work. Reports of his improvement are gratifying.


Joseph Pine, '27, has entered practice at Fitchburg, Mass., with office at 304 Main Street.

James E. Bagley, Jr., '27, is located at 50 State Street, with home office at 470 Bennington Street, East Boston.

We are pleased to welcome into our ranks another Suffolk Senior, who passed the Bar in January, Patrick A. Menton, with office at 1374 Massachusetts Avenue, Cambridge.

Joseph H. Ansberry, '19, with law office at 617 Barristers Hall, is Assistant Comptroller, Provident Institution for Savings, Boston.

John J. Barry, '19, has served on the School Committee, Everett, from 1925 to date.

Arthur J. Brown, January, '26, of Lowell, Mass., is attorney for Central Surety and Insurance Corporation, and represents the Phoenix Indemnity Company in trial work.

Leo F. Caldwell, '24, member of the Legal Staff of the Gillette Safety Razor Company, is continuing general study at B. U., C. B. A., and is just completing his 16th consecutive year of evening study.
Tucker’s Massachusetts Wills

THIRD EDITION 1927

The new Edition of Tucker on the Massachusetts Law of Wills is not only a complete statement of the Law applicable to the preparation and execution of Wills, with a reference to practically every Massachusetts case on the subject, but also contains many valuable forms, prepared to meet almost any situation, which are the fruit of Mr. Tucker’s lifetime of experience. The general approval accorded to prior editions of the book has proved its value. The new edition has been re-written and enlarged by Mr. Tucker in the light of recent developments in the law and is the last word on the subject.


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A lawyer may skate on "thin-ice" and often attempt to find his client's balance among ungrateful fellows. He fights not for a pose but poses for a fight. A figure skater is always fighting for a pose and attempting to prevent what otherwise might be a figure of embarrassment and ridicule.

Every writer, at best, is a skater and must go partly where he would and have visited that little country poetry, great wit, prose or what not partly where the skates carry him.

A figure skater is always the hope that they will some day return. St. Moritz, Switzerland's most famous resort, is noted for its splendid ice rinks, excellent bob-sledding and skiing, to say nothing of Cresta Run. Gay people stimulate life with color and jollity and are little concerned with cold winds and bleak days. Invigorating air and laughter everywhere are everywhere and yet there is a charm and atmosphere quite beyond description. Although situated as it is six thousand feet above the sea, it is completely surrounded by white mountain peaks which gaze with a friendly and protecting air over the peaceful surroundings.

The opening games opened on Saturday, February the eleventh, in a snowstorm, a fore-runner to a tempestuous foe that imprisoned the little mountain village in its clutches. St. Moritz may have lost its exhilarating spirit but not to its dishonor.

The events opened on Sunday. The military patrol race, the ski jump, the long distance race and the combined race were won by Norway. The fifty meter ski race fell to Sweden. It is regrettable that America had no entry in the above events except in the jump where Rolf MONSEN placed sixth.

America showed its true courage and sportsmanship by winning an unexpected and brilliant victory on the Cresta Run which had barely withstood the ravages of the thaw. J. HEATON and his brother were heroes of the day but no more so than the modest Piske, who crashed through with his victorious bob-sledded team.

Lack of interest prevented an American hockey team from contending against Canada's easy victory. Hockey is America's most popular and enthusiastically admired winter sport and her failure to equip a team makes a dingy page in her athletic history.

The weather was cruel to the speed skaters. Norwegian stars gave Norway a safe lead. Finland was second and America third. Unfortunately Joffe's victory in the 10,000 meter race was not credited on account of poor ice. It was rather a foolish decision and aroused no small protest as is explained in the language of "Sports de Neige et de Glace" (Paris): "The speed skating thus ignominiously ended in a tempestuous discussion around the committee room table."

The figure skating was most severely punished by the thaw and it was only by the greatest of optimism and patience that the contestants and spectators were held together. The weather finally cleared but it was a task for the keenest imagination to find anything resembling a good sheet of ice. Austria took the lead. America was second.

The final classification of the Winter Olympic Games place the respective countries as follows: Norway, America, Finland, Sweden, Austria, Canada, France, Belgium, Great Britain, Switzerland, and Czechoslovakia, Argentina, Germany and Italy.

The closing ceremony on Sunday, the nineteenth, was Picturesque and charming and foretold the deeper feeling and sportsmanship between rivals of the sport. Banners waved in the air and cheerful voices electrified the atmosphere with a closer friendship, deeper respect and a clearer understanding among men. And above it all the solemn voice of the president of the International Olympic Committee spoke:

"Au nom du Comite International Olympique, apres avoir offerts au President de la Confederation Suisse et au Peuple Suisse, aux Autorites de St. Moritz, aux Organisateurs des Jeux le tribut de notre profonde gratitude, nous proclamons la cloture des deuxieme Jeux Olympiques d'Hiver."

But Switzerland! Long shall the glory of Switzerland be foremost in one's memory and eager to return is he who has lived with her magic and mystery.

Many a health is drunk to present joys and future meeting. Life—good fellows well met—is Switzerland, or in the vulgar words of Mr. Bean "good fellows well wet."