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Suffolk University

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### CALENDAR OF EVENTS

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### BUYER AND BOOTLEGGER, ACCOMPLICES IN CRIME

**Attorney-General Warner Planning Enforcement Program**

(In Boston Herald, March 23, 1929)

"'National prohibition enforced, with Massachusetts leading,' is in short, the slogan of our program. The issue here is between the Commonwealth and criminal wealth. "I am giving very careful thought to this matter of law enforcement, and more particularly to law observance, and hope that several conferences which I am planning in the near future may yield benefit."

"As I realize that no movement may venture for success unless it be in accord with the public will, I am hoping that there may be a general conference in which leaders of public thought of this commonwealth may participate in order that public opinion may be crystallized for both law enforcement and law observance. Much has been said in high places in extenuation of the violator of the law. It is high time that the rights of the general public receive attention."

"But, the first conference, to which all of the district attorneys of the state have been invited, will be held at the State House on Saturday, April 6. The proposed discussion will centre around use of the federal padlock law to close every speakeasy, blind pig or other liquor dive; and also as to whether persons who buy liquor from bootleggers shall be prosecuted as vigorously as bootleggers themselves under the old state law making an accessory to a crime equally guilty with the principal and subject to the same penalty."

Of the various letters which Mr. Warner has received commending him for the step he has taken, he made public the one from Dean Archer, suggesting the prosecution of those who buy as well as those who sell liquor, as follows:

"Massachusetts is certainly to be congratulated upon possessing an attorney-general with the vision and courage manifest in your clarion call of to-day. To strike the bootleg industry with the federal padlock law should do much to free Massachusetts from the criminal activities of a dangerous group of thugs and murderers."

"I note that you have called a conference of the law enforcement officers of the commonwealth. The padlock law will naturally be the chief topic of discussion. May I suggest that we have yet other laws that may be invoked for the protection of the public against the menace of organized and commercialized crime."

"How about the long established law of this commonwealth that an accessory to a crime is equally guilty with the principal, and subject to the same penalty? For eight years our law enforcement has been directed at the bootlegger alone. But what of the accessories to the crimes of the bootlegger?"

"It may disturb the complacency of some of our so-called 'best citizens' who buy bootleg liquor to learn that they are equally guilty and subject to the same penalties as the chief criminal for, under the law, they may be held as accessories to his crime. And why should they not be so held? For them the bootlegger goes forth to bribe public officials or to murder those who are too honest to be bribed. The bootlegging industry would cease to-morrow if our wealthy citizens stopped buying liquor. I am aware that they justify their implied alliance with the underworld on the theory that no law can make what they term an innocent social habit a crime. But if to indulge in that social habit they hire gunmen and thugs to terrorize the state, are they not equally guilty with such gunmen and thugs?"

"Again, is any social habit innocent that can send forth upon the highways intoxicated drivers to maim and kill citizens rightfully thereon? Prohibition as a policy of public safety was first inaugurated by the railroads many years ago. The menace to human life of a drunken engineer or brake-man led to drastic regulations. The era of trolley cars enlarged the necessity of prohibition, but the invention of the automobile, private express trains whose wheels are not confined between iron rails — death-dealing monsters of the highway — rendered prohibition inevitable. It became a necessary measure of protection to the public."

"You have started a great and necessary movement to redeem Massachusetts and to make it again a leader in upholding and defending the laws of the land. I hope that you will find in my suggestion a means of strengthening the arm of the government in its grapple with this great problem of law enforcement."
MAINE BAR EXAMINATION RETURNS

The following Suffolk men were successful candidates at the Maine Bar Examinations in February:

George J. Blanchette
Charles E. Grace

EDWARD G. MADDEN
James F. Maher
Charles E. Mahoney
Philip Massarella
M. Lawrence Matt
Louis T. McCabe
A. E. McCarthy
Frank M. McCloskey
Joseph M. McDonough
Daniel J. McCauchran
Lawrence P. McHugh
Wm. J. McSweeney
Gurdon I. Mead
Joel L. Miller
Morris Miller
Ralph S. Miller
Francis J. Minton
John S. Murphy
William F. Neary
Herman Newberg
Thomas W. Norton
John B. Nunes
James D. O’Hearn
Timothy J. O’Keefe
Charles P. L. O’Reilly
Royal B. Patrinquin
Edward I. Perkins
Vincent E. Pichulo
Charles R. Quinn
Thomas A. Quinn
Max Rosenblatt
Samuel D. Sampson
James F. Scanlon
Edward J. Segal
Joseph Serafini
Frederick A. Sherwood
Harry Silva
Gerald J. Smith
Milton I. Smith
Morris Sokolove
Edmund A. Sullivan
Patrick J. Sullivan
Martin E. Sweeney
John P. Thomas
Daniel A. Toombs
Paul C. Wallace
Moses Wasserman
William B. Welch

MASSACHUSETTS BAR EXAMINATION RETURNS

Of the two hundred thirty-nine successful candidates at the January Massachusetts Bar Examinations, ninety-six, or more than half the successful men, were Suffolk men, as follows:

Edward G. Madden
James F. Maher
Charles E. Mahoney
Philip Massarella
M. Lawrence Matt
Louis T. McCabe
A. E. McCarthy
Frank M. McCloskey
Joseph M. McDonough
Daniel J. McCauchran
Lawrence P. McHugh
Wm. J. McSweeney
Gurdon I. Mead
Joel L. Miller
Morris Miller
Ralph S. Miller
Francis J. Minton
John S. Murphy
William F. Neary
Herman Newberg
Thomas W. Norton
John B. Nunes
James D. O’Hearn
Timothy J. O’Keefe
Charles P. L. O’Reilly
Royal B. Patrinquin
Edward I. Perkins
Vincent E. Pichulo
Charles R. Quinn
Thomas A. Quinn
Max Rosenblatt
Samuel D. Sampson
James F. Scanlon
Edward J. Segal
Joseph Serafini
Frederick A. Sherwood
Harry Silva
Gerald J. Smith
Milton I. Smith
Morris Sokolove
Edmund A. Sullivan
Patrick J. Sullivan
Martin E. Sweeney
John P. Thomas
Daniel A. Toombs
Paul C. Wallace
Moses Wasserman
William B. Welch

DIRECTORY DATA

Add list of mid-year graduates published in this issue of the NEWS.

JEREMIAH A. COAKLEY, 88 NONANTUM ST., BOSTON.
CHARLES A. DONAHUE, ROCHESTER, N. Y.
HOMER A. DURGIN, 24 MADISON PLACE, BOSTON.
JAMES J. MORRIS.
GEORGE W. NEWMAN, 24 IRVING ST., BOSTON.
MICHAEL J. WATMAN, 14 CENTRAL AVE., LYNN.

VOLUNTARY SUBSCRIPTIONS TO ALUMNI NEWS

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February 21 to March 21

JOSHD B. GALLUS, THOMAS J. SULLIVAN.
(Many men, on second thought, can support Suffolk publicity by joining the list of Voluntary Subscribers. This includes undergraduates as well as graduates, all of whom profit directly by receiving the NEWS, and indirectly by the great publicity given Suffolk interests and Suffolk men through its wide distribution. Sign the blank, Page 4, and mail your dollar to-day!)
TENANCIES BY THE ENTIRETY

Arthur V. Getchell

Some few years ago there was a revival of interest among conveyancers in tenancies by the entirety, due, no doubt, to the discovery that such estates were not subject to the tax on intestate succession, and their popularity grew amazingly. But the conveyancers who advised their clients to take title as tenants by the entirety, because of the tax-exempt and other beneficial features failed to realize that those estates were also subject to the rigid harshness of the common-law rule.

In 1912 the Supreme Judicial Court had handed down an illuminating decision in Hoag v. Hoag, 213 Mass. 50, showing that there can still be created between husband and wife a tenancy by the entirety, in which case each has an interest which cannot be destroyed by the other, and in which the doctrine of survivorship receives full expression. In 1915 Palmer v. Treasurer and Receiver General, 222 Mass. 263, declared that the "statutes enabling a married woman to receive, hold, manage and dispose of personal property which was her sole property . . . cannot be construed to apply to the estate of joint tenancies of husband and wife . . . We think it appears that the Legislature intended that this peculiarity should be preserved as it existed at common law."

The same words which will ordinarily apply to a tenancy under G. L. c. 184, sec. 7, will, if the grantee or deviser is husband and wife, create a tenancy by the entirety (Hoag v. Hoag, 213 Mass. 50, 52; see also Shaw v. Hearsey, 5 Mass. 521). If the husband and wife are named as such or known to be such to the grantor (Woodward v. Woodward, 216 Mass. 1); and in McLaughlin v. Rice, 215 Mass. 212, it was held that extrinsic evidence that grantees were husband and wife was admissible. Thus a deed to husband and wife, habendum to the grantees "as joint tenants in joint tenancy, and not as tenants in common," will create a tenancy by the entirety. (Woodward v. Woodward, 216 Mass. 1). An estate by the entirety may exist in personal property. Marble v. Treas. & Rec. Gen., 245 Mass. 594; Boland & McKowen, 189 Mass. 563; Phelps v. Simons, 159 Mass. 415.

Where the intention is unmistakably shown, husband and wife can hold real or personal property, even at common law, in joint tenancy as distinguished from an estate by the entirety. Woodward v. Woodward, 216 Mass. 1.

At common law a conveyance of equal interests to two or more persons created in them, prima facie, a joint tenancy, and if the grantees or devisees were husband and wife, they took as tenants by the entirety. Shaw v. Hearsey, 259 Mass. 486. At common law, an estate by the entirety can exist only in husband and wife. A deed to husband and wife, habendum to them as tenants by the entirety and not as tenants in common, will create a joint tenancy (Morris v. McCarty, 158 Mass. 11). And a decree of divorce will dissolve a tenancy by the entirety and by operation of law create a tenancy in common in the former husband and wife (Bernatavicius v. Bernatavicius, 259 Mass. 486).

If an estate in common has vested in a man and woman before marriage, their subsequent marriage will not change the estate into a tenancy by the entirety. Walsh v. Young, 110 Mass. 396, 398.

Since G. L. c. 184, sec. 7, expressly excepts mortgages, a note and mortgage executed to a husband and wife and their heirs creates an estate by entirety entitled, upon the husband's death, to collect as against the executor of the husband. Boland v. McKowen, 189 Mass. 563. See also Boland v. Jackson, 16 Mass. 480; Draper v. Jackson, 16 Mass. 480; Boyd, 7 Mass. 131.

In Pray v. Stebbins, 141 Mass. 219, at 222 and 223, it is said that the "statutes enabling a married woman to receive, hold, manage and dispose of real and personal property in the same manner as if she were sole, and which estate . . . cannot . . . be construed to apply to the estate of joint tenancies of husband and wife . . . We think it appears that the Legislature intended that this peculiarity should be preserved as it existed at common law."

The same words which will ordinarily apply to a tenancy under G. L. c. 184, sec. 7, will, if the grantee or deviser is husband and wife, create a tenancy by the entirety (Hoag v. Hoag, 213 Mass. 50, 52; see also Shaw v. Hearsey, 5 Mass. 521). If the husband and wife are named as such or known to be such to the grantor (Woodward v. Woodward, 216 Mass. 1); and in McLaughlin v. Rice, 215 Mass. 212, it was held that extrinsic evidence that grantees were husband and wife was admissible. Thus a deed to husband and wife, habendum to the grantees "as joint tenants in joint tenancy, and not as tenants in common," and the Court held that this created in them a joint tenancy, and not a tenancy by the entirety. (The Court in that case holds that a man cannot convey to himself and his wife joint tenancy. Morris v. McCarty, 158 Mass. 563; see also Boland v. Jackson, 16 Mass. 480; Appleton v. Boyd, 7 Mass. 131."

A man may make a valid conveyance of his interest in a tenancy by the entirety to his wife and a third person. Donahue v. Hubbard, 154 Mass. 537.

Once a tenancy by the entirety is established, it is subject to all the rules of the common law. This is well set forth in Bernatavicius v. Bernatavicius, 259 Mass. 486, 487, as follows: "The nature of a tenancy by the entirety is thoroughly established by our decisions. It is founded on the common-law doctrine of the unity of husband and wife constituting in law but one person. A conveyance to a husband and wife as tenants by the entirety creates an indivisible estate in them both and in the survivor, which neither can destroy by any separate act. Both husband and wife are seised of such an estate per tout et non per my any person, and not as joint tenants or tenants in common. Alienation by either the husband or the wife will not defeat the right of the survivor to the entire estate on the death of the other. There can be no severance of such estate by the act of either, without the assent of the other."

(Continued on Page 9, Col. 1)
LAW STUDENTS
and
THEIR FRIENDS
are
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SENIOR NIGHT
In response to the Senior Night,
(Town) Warrant, the Seniors filled
the Assembly Room of the Club House
to capacity; President Frank L. Mul-
lette, presiding.

Remarks by Asst.-Atty.-Gen. Edward
P. Bimoneau, '18, relating to problems
of his office, and to general practice,
proved interesting and helpful.

Dean Archer took Frederick W.
Mansfield, president of the Boston
Bar Association, to task for certain
remarks relating to bar standards
which he had declared were "woe-
fully weak," when speaking before
the Massachusetts Association of
Women Lawyers the night before. The
Dean's speech was roundly com-
mended, and widely published the
next day.

In the absence of Prof. George A.
Douglas, president of the Alumni As-
sociation, Secretary Cleveland spoke
in behalf of the association, setting
forth its purposes and plans, and in-
viting Seniors to join.

A fine program of entertainment
was enjoyed under the direction of
Chairman Joel Miller. Vocal and piano
selections, speakers and dancing bar-
rioters, contributed to the evening's
pleasure.
Refresments were served to all
as guests of the Alumni Association.

ACKNOWLEDGEMENTS

From N. H. Michael, '29, of Dor-
chester, many recent copies of the
Literary Digest, Liberty and the Sat-
urday Evening Post, for our Reading
Room.

From the Mid-Year Class of 1929, a
fine fireplace set for the Assembly
Room; which we accept with heartiest
thanks, and with the assurance that
as we gather 'round the fire-log in
days to come we will cherish happy
thoughts of the men of '29 who have
thus shown their goodwill, loyalty and
interest in alumni achievements.

From H. C. Biller, '30, 1929 Advance
Sheets of the General Court, and Pro-
ceedings of the Electoral College of
Massachusetts.

Mr. Biller is a professional reader,
and gave a number of fine selections
which were much appreciated at our
March Assembly.
ADMIRALTY—SOVEREIGN'S LIABILITY FOR INTEREST

Boston Sand & Gravel Co. v. United States, 49 S. Ct. 52, involves the liability of the United States for interest upon damages recovered by the Boston Sand & Gravel Company for injuries to its steam lighter Cornell by the United States, destroying a roll. The libel was brought against the United States by authority of a special act of Congress which allowed recovery of damages arising out of the collision "upon the same principle and measure of liability with costs as are allowed in admiralty between private parties." At the trial in the lower court both vessels were found to have been in fault and the damages divided. The Sand & Gravel Company petitioned for the allowance of interest on its share, which the United States Supreme Court refused to allow, saying in part: "On a hasty reading one might be led to believe that Congress had put the United States on the footing of a private person in all respects. But we are of the opinion that a scrutiny leads to a different result. We start with the rule that the United States is not liable for damages, except where it assumes the liability by contract or by the express word of a statute, or must pay it as part of the just compensation required by the Constitution.

"What the act authorizes the court to ascertain and allow is the amount of legal damages sustained by reason of said collision. Of these, interest is not one. It has been urged that the United States would claim interest and that as the statute speaks of damages due either for or against the United States the claims on the two sides stand alike. But this is not true. The United States did not need the statute, and it has been held that while the government is entitled to interest on its credits it is not liable for interest on the charges against it.

"The mention of costs and the omission of interest again help the conclusion "that Congress did not intend to permit a recovery of interest." Four justices dissented.

See also United States v. Commonwealth & Dominion Line, Limited, 49 S. Ct. 133, where libellant's vessel Port Phillip was damaged by a Government libelant, recovered damages under a similar statute and interest was allowed by the Court of Appeals. The Supreme Court reversed the decree as to interest.

The Court said: "The only ground of distinction (between this case and the Boston Sand & Gravel case) favorable to the Port Phillip is that in this case the United States filed a cross libel. It is urged that in view of that fact the principle of United States v. The Thekla, 266 U. S. 325, 45 S. Ct. 113, 69 L. Ed. 154, applies.

"But the difference between the two cases is plain. In The Thekla the United States came into court of its own motion as a libelant, and it was held that when the sovereign thus voluntarily brought itself within the jurisdiction in a collision case it should be assumed to agree that justice should be done, with regard to the subject matter, and therefore that it might be liable for damages if its vessel was in fault. The main question in the case was whether the United States could be held at all. When that point was decided interest was allowed as generally it would be allowed against a private party, there being nothing to qualify the submission found to be implied. But in the present case the United States is brought into court to defend its property under a statute that marks the limits of the liability assumed. The cross libel is really an incident of the suit, contemplated by the very words of the special act which provide for a decree in favor of either party, and it would be absurd to say that if the United States resorted to the usual instruments of defense the statute authorized what otherwise it did not allow."

NAVIGATION—DIVERSION OF WATERS

Wisconsin et al. v. Illinois et al., 49 S. Ct. 163, involves the diversion of water from Lake Michigan by the Sanitary District of Chicago. Acting under authority of the Secretary of War the amount diverted was gradually increased from 1900 until 1907, so that on the latter date it was 4167 cubic feet per second. Thereafter the Secretary refused to sanction increased diversion and acting without his authority the district increased the quantity of water taken to 8500 cubic feet per second. This diversion lowered the level of Lakes Michigan and Huron approximately six inches and of Lakes Erie and Ontario approximately five inches. In 1925 the Secretary finally authorized the diversion of 8500 cubic feet per second. In issuing the various permits the Secretary of War acted under an Act of Congress which forbids excavations, fills, or the erection of any obstruction in any navigable waters without the approval of the Chief Engineers and the sanction of the Secretary of War.

The only actual authority by Congress for the diversion of waters from Lake Michigan was the Sanitary District of Chicago. Acting under authority of the Secretary of War, and for the purposes of maintaining navigation in the Chicago River it was without any express basis because made for an admissible purpose. It therefore is the duty of this court by an appropriate decree to compel the reduction of the diversion to a point where it rests on a legal basis and thus to restore the navigable capacity of Lake Michigan to its proper level.

The above case is of particular interest to New England because of the project of the Metropolitan Water Commission of Boston to divert water from the Ware and Swift Rivers, thereby lessening the flow into the Chicopee River and ultimately the Connecticut. It would seem that the Federal Government has authority to authorize such diversion only if it does not interfere with the navigation of the Connecticut River.

ALIENS—DEPORTATION

Tillinghast, U. S. Commissioner of Immigration, v. Phyllis Edmead. (Decided by U. S. Circuit Court of Appeals, First Circuit, Feb. 18, 1929.)

Phyllis Edmead emigrated from the British West Indies to the United States in 1924 and was lawfully admitted. On April 11, 1937, she was sentenced by the Superior Court of Suffolk County to confinement in the county jail for the term of one year for larceny of $15.

Acting under authority of the Immigration Act of 1927, which provides that "any alien, who is sentenced to deportation or to imprisonment for a term of one year or more because of conviction in this country of a crime involving moral turpitude, committed within five years after entry," may be deported, the Department of Labor in September, 1937, issued a warrant of deportation ordering her to be returned to the country from which she came.

She filed a petition for a writ of habeas corpus in the United States District Court for Massachusetts. That court issued the writ and ordered the (Continued Page 11, Col. 3)
A GOOD JUDGE

presiding in a High Court has passed this sentence upon us.

"It is a well nigh universal experience with me in asking for service to meet with a succession of misunderstandings, errors, and omissions, and it is a most refreshing exception thereto, to have been given a sitting by you and to have had an order filled with such scrupulous attention and such efficient execution, leaving absolutely nothing to be asked for or to mar the pleasure of the customer. It speaks well for your organization."

Official Photographer to Suffolk Law
Registration of Car by Married Woman

In Koley v. Williams, 1929 Adv. Sh. 175, an action in tort for damages for injuries received by plaintiff while riding in a taxicab with which defendant’s automobile collided, the plaintiff contended that the defendant’s car was lawfully upon the highway because of improper registration, in that it was registered in the name of “Mrs. John P. Williams” instead of “Ethel M. Williams.” It was held that the car was properly registered. The purpose of the registration statute is for identifying the owner, and although as matter of law the defendant’s name upon her marriage was Ethel M. Williams, a married woman frequently is known by her husband’s name prefixed by the title “Mrs.,” and the defendant here probably was better known as Mrs. John P. Williams and could be identified by such description, and the purpose of the statute was therefore complied with.

Vacating of Final Decree

In Sullivan v. Sullivan, 1929 Adv. Sh. 441, where petitioner had obtained a decree that he was living apart from and without the aid of his wife on account of her justifiable cause, the respondent subsequently brought a petition to have the decree set aside on the ground that her attorney had by inadvertence failed to enter her appearance and the decree had been entered on her default. The Probate Court dismissed this latter petition on the ground the Court had no jurisdiction of the subject-matter of the petition. Mrs. Sullivan appealed. The Supreme Court reversed the decree dismissing her petition and ordered a decree vacating the prior decree, saying that, although the rule is well settled that after entry of a final decree the case is disposed of, subject to appeal, and the decree cannot be vacated because of false testimony or because the case of the petitioner was not properly presented, yet, where a final decree has been made on default of a party through negligence or mistake of his attorney, the Probate Court has power to open the decree to give the respondent an opportunity to offer a defense on the merits.

Liability of Conductor for Injury to Passenger

Kelley v. B. R. B. & L. R. R., 1929 Adv. Sh. 235. In an action of tort for recovery of damages for injuries caused to plaintiff by her sitting on an embroidery needle lying on a seat in defendant’s train, it was shown that a passenger who had previously occupied the seat and had been befriended by plaintiff happened to have a needle and other articles, and the conductor had picked up the box and articles; and it was held that this was sufficient evidence to justify a finding of negligence on behalf of the defendant; the decision resting on the facts that the conductor gave specific attention to the spilled articles, attempted to remove the spilled articles, and that there had been a hole found lacking in care; the cause of the injury was not left to conjecture.

Proximate Cause

Teasdale v. Beacon Oil Co., 1929 Adv. Sh. 237. In this case it appeared that plaintiff was seated in the rear seat of an automobile; that defendant’s employee, while filling the gas tank under the front seat, negligently gave the gasoline over the plaintiff; that thereafter, when the driver of the car cranked the engine, flames burst forth in the car, burning the plaintiff. It was shown that the driver of the car had previously removed the cover of the coil box on the dash and had negligently allowed it to remain uncovered. There was a verdict for plaintiff, and the defendant’s exceptions were overruled, it being held that, although the accident would not have happened without the negligence of the driver in leaving the coil box open, the defendant could be found liable if it appeared that the fire would not have occurred except for the defendant’s negligence; each act of negligence was a proximate cause of the injuries; and such injuries were directly due to the negligence of the driver.

Boundary “On the Line of a Way”

In Wood v. Culhane, 1929 Adv. Sh. 195, the description of a lot of land started at a point on the southerly line of a road running easterly from the lot to the southerly line again, thence “turning and running southwesterly on the southerly line of said way.” It was held that this description excluded the way. (It should be noted that this decision is not in conflict with those which hold that a description bounding “on a way” or “by a way” conveys title to the center of the way.)

Defect in Way

In Cook v. City of Boston, 1929 Adv. Sh. 355, where recovery was sought for injuries incurred by plaintiff, a traveller on a public way, because of a defect in such way, there was evidence that the defect consisted of a depression “about six inches in diameter at the top and about three inches deep, worn smooth, without any rough edges.” It was held that the city was liable for such defect only where, by the exercise of reasonable care and diligence, it might have had notice of the defect and remedied it. But plaintiff declared on a contract alleged to have been entered into between her and defendant, who was her adopted son, whereby, in consideration of his promise to pay her certain sums, she was to use her influence to prevent her husband from executing a will unfavorable to defendant, thereby allowing a former will in his favor to stand. The plaintiff so persuaded her husband, and at his death a will wasprobated, and the plaintiff sought damages for the defendant’s failure to carry out the agreement. The Court holds that the contract was void and against public policy, and quotes Fuller v. Dane, 18 Pick. 472: “A person having property . . . may make a will in favor of whom he pleases. A common friend may lawfully represent to him the expediency and fitness of making a bequest in favor of a particular individual . . . But any promise to pay another for soliciting a will in his favor would be void.”

Revocation of Will by Marriage

Riley v. Murphy, 1929 Adv. Sh. 207, is an appeal from a decree allowing a will in which a minor child was named as devisee of property to a man whom she described as her husband. About a year after the date of this will she went through a form of marriage ceremony with a man whom she had named as her husband in the will, and appellant claimed that this subsequent marriage revoked the will. It was shown that testatrix and her husband had lived together as husband and wife for a period of years before the marriage ceremony referred to was performed, and that testatrix had told her sister that she was married. The court cited the statute to the effect that marriage may be proved by evidence of general repute, and said that such evidence is not necessarily rebutted by documentary evidence of a subsequent marriage; it cannot be said that the lower court was wrong in finding the parties were married previously to the execution of the will, hence the subsequent ceremonial marriage did not revoke the will.

It is both the law you know and the people you know, that make for the largest success.
WITH THE SOLONS
Leo J. Halloran

The Committee on Legal Affairs has reported a bill to the Legislature liberalizing the new law pertaining to censorship of books, pamphlets and other publications. The bill has the endorsement of the book publishers and a large number of the libraries of the State. While under the existing law a book may be banned which has any sentence, clause or paragraph that is "impure, or manifestly tending to corrupt the morals of youth . . ." will subject the importer, publisher, seller or distributor to certain penalties provided. It is a far cry from the days of our youth when the innocent Horatius Goa became the foil of diabolical Hindes and our public libraries, as tending to corrupt the morals of our boys and girls. A bitter fight is expected on the bill, its fate seems to be in the balance.

The bill to establish a state board for the registration of barbers and for inspection of barber shops, adversely reported from committee has been passed by the House. It now goes to Ways and Means Committee for further consideration.

Although active opposition developed in the House, the bill to continue the Commission on the Necessaries of Life has been passed by the House. It is sometimes much easier to create a commission than to do away with one when the necessity for it no longer exists. It would seem, however, that in the present instance, the House acted wisely in retaining this commission, originally created because of war conditions.

President Hoover has explained that his appointment of a commission to investigate the subject of law enforcement is to strengthen the courts and co-ordinate the police powers of the States with them. The appointment of the commission is in keeping with his pre-election promises.

The Boston Finance Commission (the "Fin com" as it is termed) is again busy investigating. This time it is the matter of the amount of money expended by the city for the widening of Exchange Street. The investigations of the Commission always make lively reading for the public. We are wondering if the results of this investigation of the Commission will make lively reading for the public. We are wondering if the results of this investigation will be the same as those of the recent "Baseball" scandal, and numerous others, which was nothing. Representative Shattuck was a prominent witness called by the Commission.

Gov. Frank G. Allen has assured a group of clergymen headed by Rev. E. Talmidge Root, that he will not issue a proclamation calling attention to the observance of Army Day on April 6th, the day the United States entered the World War. The clergymen advanced the argument that such a proclamation calling attention to the entrance of the United States into the World War would embarrass the representatives of our government who are striving "to create a spirit of confidence and co-operation between the nations of Europe and the world." We sincerely hope that the Governor will not withhold his proclamations for the Fourth of July, because it might offend that country from which we wrested our independence, nor for Armistice Day, which signified the victorious closing of hostilities in favor of the Allied Armies in the World War.

Mrs. Anna C. M. Tillinghast, Commissioner of Immigration, has started a drive to round up and deport some of the thousands of aliens who are illegally within the country. Her drive is already bearing fruit.

Representative Holmes' effort to allow police officers to arrest hit-and-run automobile drivers without a warrant has failed.

The Democratic bill for party designations in City of Boston elections has been defeated on a strict party vote.

However, the Legislature was consistent in refusing party designations in the Republican city of Quincy.

A commission to discover new means of determining guilt and improved ways of dealing with those found guilty has been appointed at the Harvard Law School. The commission will consist of seven of the professors in the Law School, headed by Prof. Francis B. Sayre, son-in-law of former President of the United States, Woodrow Wilson. The report of the commission should be interesting, and we hope helpful.

The bill of Rep. John J. Reardon, providing for the penalizing of any employee discharging a man because of absence due to jury duty has been rejected. Or rather, the application to fill the bill late has been rejected after a thorough examination of it by the Rules Committee. It would seem to us that something should be done by the Legislature to protect men discharged from employment by cause the law has required them to perform their duties as jurors. A recent flagrant instance is in point. The Court, referring to the employment before it, regretted the fact that it could only condemn his conduct but could not inflict any penalty.

The bill to compel vaccination of children in private schools has been referred to the next annual session of the Legislature. The bill is tantamount to a rejection of the bill, but the rejection is put in this form to soften the disappointment to its proposers.

When we read of impeachment proceedings in other states against governors, judges and other public officials, we appreciate the caliber of the men who represent us here in Massachusetts in elective office and in the judiciary.

The House Committee on Elections has refused to seat Representative Sullivan of Cambridge, whose seat was challenged by his defeated Republican opponent. The claim was that Sullivan had violated the corrupt practice act, and had also circulated a false eleven hour circular, which it was alleged, was intended to go to principal opponent. The vote on the protest was strictly along party lines, not one Democrat voting for the committee to seat Sullivan.

A new primary and election will probably be called. When the dispute is between two Republicans or two Democrats, the decision is usually based upon the merits of the case; but it is usually more difficult to consider merit when a member of one party is contesting against a member of another.

It appears that the Legislature has put the quietus on all salary bills for the session by referring a commission or committee to consider along with other matters pertaining to salaries of various state and county officials and workers, for report to the next Legislature. Recently an attempt to increase the Governor's salary to $15,000 was defeated. We don't believe that this result was due to the war, but it is more likely to be that Governor Allen has any more than it did Governor Fuller, neither of whom now receives a suitable salary from the Commonwealth in order to keep the wolf from the door. The time is coming, however, when men of moderate income, who would make excellent chief executives will resist the idea of accepting a position that pays only one-half of that paid to the Mayor of the City of Boston.

And speaking of committees and commissions appointed by the Legislature from its membership, there isn't the wild, scurry there formerly was for these recess appointments. The reason is apparent; the appointments now carry no recess salary. The reason is also apparent; the appointments now carry no recess salary. The days of the party bosses, who represent us here in Massachusetts in elective office and in the judiciary.

Federal Judge Morton has carefully explained to the Republicans the workings of the new Jones Dry Act. He has cautioned it against returning indictments too readily, pointing out that the State Enforcement Laws are sufficient to take care of minor violations of Prohibition Laws.
TENANCIES BY THE ENTIRETY
(Continued from Page 3)

253; Marble v. Treas. & Rec. Gen., 245 Mass. 504), and no partition during their joint lives (Pease v. Whiting, 182 Mass. 363), and the survivor becomes seised as sole owner of the whole estate regardless of anything the other may have done. The tenancy by the entirety is essentially a joint tenancy modified by common law theory of the unity of husband and wife. They do not take by moieties but by entireties. The characteristics of tenancy by the entirety at common law continue unaffected by the modern statutes designed to ameliorate the rights of marriage, by intestate succession, Widdi. v. Chace, 108 Mass. 254, 258. This will not defeat her estate in the tenancy in common law theory of the unity of husband and wife. The sale is nugatory as such, there being no right in the property during her husband's lifetime, but at best what is known as a contingent remainder by survivorship, but held under the deed by her husband in such estates," Raptes v. Pappas, 259 Mass. 37, at 35, and cases cited.

The right of a wife as tenant by the entirety cannot be affected by a statute, passed subsequently to the conveyance to her, reducing such estates to tenancies in common. Pease v. Whiting, 182 Mass. 363.

During coverture, right to possession is exclusively in the husband. Voight v. Voight, 253 Mass. 582. The husband may make a lease good against the wife during coverture, and then, upon her death, convey a tenancy at will to the surviving wife. Pray v. Stebbins, 111 Mass. 219. A tenancy by the entirety may be taken on an execution issued against the husband, and the purchaser at the sale on execution may maintain a writ of entry against the husband for possession and title, and against the wife for possession but not title. If the wife survives the husband, she will have an absolute title with the right to possession; if the husband survives the wife, the purchaser's title will be absolute. Raptes v. Pappas, 259 Mass. 37.

The wife, however, has no interest which can survive, since at common law the deed of a woman under coverture was void; and there is no interest in the wife which is subject to attachment at common law and to render more flexible and individual the characteristics of a tenancy by the entirety at common law. "Statutes relating to the separate rights of married women have not changed the common law rights of the husband in such estates," Raptes v. Pappas, 259 Mass. 37, at 35, and cases cited.

In view of the nature of such an estate, on the death of either husband or wife, no beneficial interest accrues to the other by survivorship so as to create succession, and so no part of the estate was subject to the tax. Upon the death of the testator or no estate in the property in question passed to his widow. It belonged to her from the time when the tenancy by the entirety was created. In the event that she survived her husband, upon his death she took no new title by survivorship, but held under the deed by virtue of which she was originally seized of the whole." Palmer v. Treas. & Rec. Gen., 222 Mass. 263, 265. Subsequently to this decision St. 1916, c. 265, sec. 1, subjected to a succession tax any interest which shall arise or accrue by survivorship in any form of joint tenancy in which a deceased joint owner had contributed any part of the property or its purchase price. This statute (now G. L. c. 66, sec. 1) has not been construed by the Supreme Judicial Court.

The Federal Estate Tax, however, is specifically imposed on the estate of a decedent to the extent of the interest held jointly or as tenants in the entirety by the decedent and any other person.

It will be seen from the foregoing decisions that in a tenancy by the entirety the wife has as a practical matter no right in the property during her husband's lifetime, but at best what amounts to a contingent remainder which she cannot alien and which cannot be attached. Notwithstanding many conveyancers are advising against the creation of such tenancies, since the wife, while believing herself to be a joint owner with her husband, actually has no interest unless and until she survives her husband.

SUFFOLK ALUMNI SONG
Air: Columbia, the Gem of the Ocean
By David A. Keenan, '28

As 'round the bright hearth-stone we gather
To thus kindle friendships anew,
Our memories to-day fondly cherish
The old days that pass in review.
We meet in the fair name of Suffolk—
And proudly her standard we raise,
While fervor illumines our circle
We sing with delight in her praise.

Chorus
Then arise, loyal sons, and proclaim
The honor and love for her name.
Like a star, may her motto e'er guide us,
May her herald be the Trumpet of Fame.
While sailing o'er Life's stormy ocean,
As a tempest-tossed bark on the sea,
We will e'er turn to our Alma Mater,
For Suffolk a haven will be.

Like a rainbow light blending the heavens,
The weary with hope she will fill,
'Neath the gold-lustre halo adorning
The hallowed crest of Old Beacon Hill.

SUFFOLK ALUMNI NEWS

STUDY OF ENGLISH COURTS
Chief Justice Hall, of the Superior Court: First Judge of Suffolk County Probate Court, William M. Prest; and Henry Wyman, former Attorney-General of Massachusetts, are on an official survey tour of Germany, France and England for the purpose of studying their systems of jurisprudence.

LAW ENFORCEMENT COMMISSION

From President Hoover's Inaugural Address

It is worthy of note that Mr. Hoover's selection from the Scriptures for oath of office, from Proverbs, was a keynot of foresight for peace, prosperity and happiness, by observance of the law:

"Where there is no vision the people perish; but he that keepeth the law, happy is he."

The proposed Law Enforcement Commission is intended to cover the entire question of law enforcement and organization of justice.

Its purpose and scope is to critically consider the entire Federal machinery of justice, the redistribution of its functions, the simplification of its procedure, the provision of additional special tribunals, the better selection of judges, the more effective organization of our agencies of investigation and prosecution.

It will naturally include consideration of the method of enforcement of the Eighteenth Amendment and abuses which have grown up together with the enforcement of the laws in respect to narcotics, to immigration, to trade restraint and every other branch of Federal Government law enforcement.
PERSONAL MENTION
By Alumni Contributors

Bernard J. Hagerty, '28, has good reason for both congratulation and commendation. The first, because his efforts of study were rewarded by success at the recent bar examinations; the second, because of his heroism in plunging into the icy waters of Fort Point Channel and rescuing a lad who had fallen from the fence while playing with other boys. We can seem to hear his many friends say, "Well, it's just like Barney. We'd expect it of him!" True! But surely all men do not measure up to expectations! Barney has doubly fulfilled them within the month! We are proud to have him on our Suffolk roll!

Maine men are certainly live wires! Again they are in The News! Charles A. Perry, Joe McCarr and John Carey were admitted to membership in the Maine Bar Association last month; and from John J. McDonough, of Portland, comes the suggestion that Maine Suffolk men have a get-together and organize! Not bad! Maine blood is strong in the veins of many of our men, including our good Dean Archer and Brother Hiram, and other stalwarts in Suffolk's great alumni. Why not a get-together in Portland in the summer holidays? Let us hear from all Maine men, graduates, and under-graduates.

Those town elections! Let's hear of them for the next issue of The NEWS. Suffolk Moderators? Clerks? Assessors? Overseers? School of them for the next issue of The NEWS relative to his battle with a sailfish, I am going to make an effort to emulate his feat. "With best wishes, and kindest personal regards,"

More power, John! A strong arm, and a prize for watchful waiting! We trust by now you've joined the Sailfish Club!

From A. John Ganem, '25, of Lawrence, comes the following communication: "John E. Fenton, president of the Class of 1924, and a leading citizen and attorney of Lawrence, is Register of Deeds (as a result of his first political venture), and holds the office of Grand Knight, Council No. 67, Knights of Columbus. He is also an officer of several other leading organizations of the city. Five Suffolk men are in active practice in Lawrence."

John J. McCarthy, '24, has opened an office for the general practice of law at Whitthler Building, Everett.

A VITAL PROBLEM

The statements of Rep. Henry L. Shattuck, Chairman of the House Ways and Means Committee, in his budget address recently must cause great concern to thinking men and women. Rep. Shattuck declares that in the budget one-fifth of the state revenue had to be apportioned for the care of the mentally ill and feeble-minded of the Commonwealth. Over $11,000,000 it set aside in the budget for this purpose.

The state institutions according to Rep. Shattuck are overcrowded, with a long waiting list, necessitating the erection of new buildings to properly house the unfortunate. "Including certain patients or inmates of the State Infirmary at Tewksbury and of the State Farm at Bridgewater," said Rep. Shattuck "the department of mental diseases has under its supervision a grand total of 22,500 persons, or over one-half of one per cent of the entire population of the state. Furthermore, the number admitted are growing at a faster rate than the population."

With the comment that "the situation is truly appalling," the representative urges the appointment of a commission to study the entire situation.

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The burdens placed by the Federal Income Tax law on earned income, as distinguished from invested income is productive of much injustice.

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U. S. COURT DECISIONS

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Suffolk Alumni Association is not the panacea for all ills, but it is the willing and competent force for the solution of problems of Suffolk men by co-operation for largest success. Call Hay, 0739.

A Different Picture

Now with earned income we have a different picture. I will refer in particular to an important class in the community, professional men, including lawyers, physicians and executives of business. The law in Massachusetts wisely

petitioner discharged from custody on

the ground that petit larceny was not

a crime involving moral turpitude. Upon appeal this decision was reversed.

The Court said in part: "As the crime of which the alien was convicted in the state court was the larceny of money of a value less than $100, the crime of which he was convicted was petit larceny and a misdemeanor. . . . Theft or larceny was a crime at common law involving an act intrinsically wrong and morally wrong, malum in se, does not become any more or less so by reason of the fact that the Legislature may see fit to call it a felony, if the thing stolen is of a value exceeding a given amount, or to call it a misdemeanor if the thing stolen is of less value. In either case the offense is one involving moral turpitude only.

In the course of a stirring dissent Judge Anderson says: "It seems to me monstrous to hold that a mother stealing a bottle of milk for her hungry child, of a foolish college student stealing a sign or a turkey should be tainted as guilty of a crime of moral turpitude. But such is the logical result of the majority opinion."

"Nothing could be more chaotic, illogical and unethical than our prevailing views and practices as to property rights. Our common methods of "big money making" always involve getting the results of other people's productive labor. On any sound and ethical theory of property rights, windings at gambling—even stock-gambling—are as unjustifiable as many kinds of takings condemned by statute as larcenies.

"Until our code of property rights and wrongs bear more relation to anti-social methods of acquisition, the moral turpitude taboo should not be extended to cover such trifling offenses.

In this respect I may talk with the advantage of personal experience, having put one son through Massachusetts Institute of Technology, and having at the present time a son and daughter respectively in the junior and sophomore class at college.

Where children are being educated the exemptions, I should apply at least until the age of twenty-one years, and I have always believed that the exemptions of $250 and $400 under the Federal law, cease under the law as it now stands.

In this respect I may talk with the advantage of personal experience, having put one son through Massachusetts Institute of Technology, and having at the present time a son and daughter respectively in the junior and sophomore class at college.

Where children are being educated the exemptions should apply at least until the age of twenty-one years, and I have always believed that the exemptions of $250 and $400 for each child under eighteen years of age are ridiculously insufficient.

SUFFOLK TO SUFFOLK SERVICE BUREAU

The purpose of the Alumni Association is two-fold: First, preservation of Suffolk fellowships; second, development of all Suffolk interests.

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ATTORNEY AND BUSINESS MAN
Paul Zerrahn

The practice of law is becoming more and more associated with business; frequently involving the application of business principles. Experience tells us that many lawyers, although well versed in law, are poor business men. Indeed, many attorneys, young and old, feel a secret dread when clients seek advice on difficult business problems. And without reason. The true attorney goes directly from high school or college, to law school, and then into practice. He has little or no experience in meeting men or in dealing with ordinary problems of life; much less those problems of trade, the solution of which has contributed much toward making our nation the wealthiest nation on the face of the earth. Little, if anything, does he know of manufacturing, advertising or selling goods; of keeping accounts; of organizing factory or offices forces; or negotiating with banks. Much of the language of the business world is unfamiliar to him. As a citizen too often the attorney is embarrassed by the feeling that while business men respect his advice on questions of law, they, (perhaps not unwisely) give little heed to his judgment in matters of business policy.

On the other hand, there is a distinct urge on the part of business men in respect to the legal acquisitive training that they may better meet ever increasing competition.

With these two points in mind, the necessity of the average attorney goes to sound legal principles; and abide by them. As a result too often the attorney is embarrassed by the feeling that while business men respect his advice on questions of law, they, (perhaps not unwisely) give little heed to his judgment in matters of business policy.

PERJURY
Kenneth B. Williams

Recently in Massachusetts two men have been convicted for the murder of Joseph Fantasia, when admittedly only one of them committed the crime. Twelve men were convinced beyond a reasonable doubt that Gangi Cero killed him. A few months later twelve other men were equally certain that Samuel Gallo was the guilty man. The conviction of Cero and the affirmation of that verdict by the Supreme Judicial Court stand as peremptory monuments to the impotency of criminal justice in the Bay State. And what assurance have we that the second conviction is any more just than the first?

No word of protest has been raised by the public over the conditions that made possible this uncertainty of justice. Have we become so callous that we can sentence two men to death for the same crime, when one of them is admittedly innocent, without disturbing the public conscience? Is human life to be regarded so lightly? There seems to be a deep-seated apathy toward the condition which, I believe, made this debacle as well as other miscarriages of justice possible. Perjury and subornation of perjury are the causes of most failures of justice.

These practices are not new. Twenty-eight hundred years ago the fiery prophet Elijah called down the wrath of God on Ahab and Jezebel and sentenced them to a horrible death for taking the life and vineyard of Naboth by perjury and subornation thereof. These crimes which are constantly committed by some attorneys, clients, and witnesses involve just as much moral turpitude as in that ancient day.

Judge Brooks recently said that he was convinced in a criminal case tried before him four or five of the witnesses committed perjury. He recently examined the testimony in a civil case and upon a careful checking up of the facts I find that practically all of the material testimony was utterly false. How can a judge or jury in such cases reach a just decision? Often suave and skillful perjury is more convincing than the truth spoken haltingly. We look for the impossible when we feed a jury on lies and expect them to bring in a true verdict.

Perjury and subornation of perjury are two of the most heinous of crimes. When we fully perceive that these offenses destroy the efficacy of justice, the only enduring foundation on which civilization can stand, we begin to understand their devastating nature. Where is there any tribunal where a man can obtain justice, to whom shall he turn? Falsehood by prosecuting or defending witnesses in either criminal or civil suits inevitably thwarts justice. Criminals have no fear of being punished when they feel that they can perjure themselves free.

Very few lawyers, I trust, countenance these practices. But those who do constantly coach witnesses to falsify in court to build up a case, either criminal or civil, are not only arch-fiends but law violaters, accessories to the crime of perjury. They have broken faith with the court and with the commonweal, and must be disbarred.

Is it not possible to lash the conscience of the bar and that of the public generally into action to make these practices impossible? It would seem that no given case is not worth jeopardizing human life and interests. Courts are established to give justice to those who seek it, but are impotent to do so without the co-operation of the bar and witnesses. Public apathy has permitted this evil to exist and now public opinion must outlaw it.

I have no patience with those who rail at the evils of the jury system and judges generally. Given the true facts the courts will render justice.

One of the most vicious evils that arises from perjury is that juries and courts have learned to expect it and in looking for it where it does not exist, sometimes do an injustice. It therefore behooves every honest lawyer and citizen as a matter of self-protection, if not as a matter of duty and conscience, to see to it that this evil is immediately stamped out for all time.

The lawyer, as a molder of public opinion in his community, should lead the way in making the crimes of perjury and subornation of perjury seem the abhorrent and devastating offenses that they are.
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EXEMPT!

Are we to-day too prone to exempt from service in the cause of justice and in the fulfillment of duty as citizens should be, on the ground of experience, their knowledge and their judgment in the panels of our juries? Read the list from the General Laws (Ch. 234, Sec. 1), and note that exemption is extended to those best qualified to constitute at least a part of "the twelve men tried and true" to serve as a "jury of one's peers."—A person qualified to vote for representative to the general court shall be liable to serve as a juror, except the following persons shall be exempt:

"The lieutenant-governor; members of the council; state secretary; members and officers of the senate and house of representatives during a session of the general court; judges and justices of a court; county and associate commissioners; clerks of the United States court of the commonwealth; registers of probate and insolvency; registrars of deeds; sheriffs and their deputies, and all other officers of the United States; attorneys at law; settled ministers of the gospel; officers of colleges; preceptors and teachers of incorporated academies; registered practising physicians and surgeons; cashiers of incorporated banks; constant ferrymen; persons over sixty-five years of age; members of the volunteer militia; members of the Ancient and Honorable Artillery Company; superintendents, officers and assistants employed in or about a state hospital, insane hospital, jail, house of correction, state industrial school or state prison; keepers of lighthouses; hospital, insane hospital, jail, house of correction or state prison; keepers of a state building; keepers of a state lunatic asylum; members of the board of the Massachusetts State Board of Charities and Public Instruction; members of the judiciary; judges and justices of the peace; county justices and special justices to lessen the number of their sessions; a sheriff and officers of the county and special sessions; clerks of the county and special sessions; county engravers and runners of county gaols; judges and justices of the peace; district attorneys; attorneys at law; and all other officers of the Commonwealth.

But what of jurors, and their relation to all these things? If small groups of men, now exempt, were called to make up the quota of jurors here and there, and among this number there were men trained in the handling of men and affairs, would they not more promptly and clearly define their own experience, perhaps even to the extent of the doing away with unnecessary delays, harrasses, and gestures of procedure, wasting time and effort, all of which are foreign to their nature and not endured for a moment in their day's routine of business? Contact of personality of such men in jury service is bound to react favorably on other jurors, on the witnesses, and on the attorneys and the justices. There would result a general improvement in jury personnel, which would both directly and indirectly expedite and speed the solution of cases.

Might not exemption be left to the court to exact those cases, number of which are foreign to their nature and not endured for a moment in their day's routine of business? Contact of personality of such men in jury service is bound to react favorably on other jurors, on the witnesses, and on the attorneys and the justices. There would result a general improvement in jury personnel, which would both directly and indirectly expedite and speed the solution of cases.

Investment trusts are required to conform to the Sale of Securities Act—true it is that a certain dignity and decorum is in the conduct of court matters according to some established precedents seem a bar to prompt justice. In this again, our honorable justices are cooperating, and we look to the bench and the bar of Massachusetts to still lead the way in the solution of modern legal problems and the institution of the most expeditions methods of procedure commensurate with proper dispensation of justice.

THE SUFFOLK ALUMNI NEWS
DORCHESTER-ROXBURY NIGHT
APRIL 11TH
7.30 P. M., AT THE CLUBHOUSE

GUESTS AND SPEAKERS INCLUDE:
JUSTICES OF THE DISTRICT COURTS
CLERKS OF THE DISTRICT COURTS
REPRESENTATIVES FROM DORCHESTER AND ROXBURY
Committee Chairman, IGNATIUS J. O'CONNOR

A fine program has been arranged—All Alumni and Seniors invited.

REFRESHMENTS

Don't Forget! The Last Luncheon Club this Spring
APRIL 25, 1.00 P. M., HOTEL BELLEVUE!

LET US MAKE IT A REAL GET-TOGETHER OF SUFFOLK BROTHERS
AND SUFFOLK LEADERS AS SPEAKERS!

Please make reservations through the Secretary—Haymarket 0739

A Special Program
SCHEDULED FOR APRIL 26TH, 7.30 P. M., AT THE CLUBHOUSE

CAPTAIN EDWARD M. CONNORS (Suffolk, ‘28), a writer and lecturer of note, will
relate the Allied and German tactical manoeuvres at

The Battle of the Marne
A lecture replete with real instruction, tense interest, and
war experiences.

ALL ALUMNI, AND SENIORS, AND JUNIORS INVITED

SPECIAL MUSIC—

SEE LECTURE NOTES — PAGE 13!

ST. LOUIS AND O'FALLON RAILROAD SUIT

Billions Involved in "The Greatest Lawsuit in History"

Certainly this case is well designated by a member of the Interstate Commerce Commission, who realizes its significance in future valuation of railroads throughout the country, affecting interests of the railroads themselves, of security holders, of shippers and of the government.

This is a test case, and involves questions pertaining to the little nine-mile O'Fallon railroad in the coal fields of Illinois, with its twelve miles of sidings reaching out to the mines and to the terminals of East St. Louis.

Owned originally by the estate of Adolphus Busch (of pre-Volstead days), the railroad was valued by his executors at $1,350,000. The Valuation Act of 1913 authorized the Interstate Commerce Commission to evaluate railroads throughout the United States, purely with the idea of determining whether or not "watered stock," or over-capitalization, inflated values and in consequence held freight rates unwarrantedly high. The Interstate Commerce Commission appraised the O'Fallon railroad in the vicinity of $900,000. only.

In 1929 the Transportation Act provided that, "If in any year net income on money invested in railroad property, taken at a 'true valuation,' exceeded six per cent, then one-half the amount above that rate must be paid into the United States Treasury, and the other half of the amount over and above six per cent should be used by the railroad for 'betterments,' strictly prescribed by the act." Thus, appraised valuation was no longer made with a view merely to fix rates, but to determine "recapture" earnings as well.

This latter act directly affected the status of the O'Fallon Railroad and resulted in this test case, for in determining "recapture" earnings in the four successive years 1920 to 1923 inclusive, the government demanded therefrom "excess" earnings of over $50,000. annually. These figures were based on valuations arrived at by the Commission from unit prices prevailing in 1914, (not present unit costs), and the methods of appraisal as well as actual valuation were upheld in the decision of the Commission handed down February, 1927.

In December, 1927, the United States Court at Kansas City, side-steps many main issues involved, on the ground that confiscation was not established; and appeal was made to the Supreme Court of the United States, whose decision is awaited by railroad executives and shipper alike, not only with profound interest—as involving billions of dollars—but with a real desire that technicalities be eliminated, and that the status of carriers and shippers alike be forever clearly defined.

Naturally if this decision favors the railroads, railroad stocks will rise, or become more staple, as the case may be. If the decision is adverse to the railroads, then will follow "sales," though standard "rails" will not be materially affected; for another test case would be immediately brought forward, and would serve to stay action by the Commission for two or three years more.

The three main issues involved, not to mention numberless lesser issues, we will align with the decision when handed down, with great interest. The paramount issues are:

1. A uniform basis for valuation of all railroads. This will settle the disputed question as to whether they are worth the aggregate $18,000,000,000. (as appraised by the Commission), or $30,000,000,000. (as valued by the railroads): with corresponding increase or decrease in rates, stocks and government returns.

2. Stockholders and railroads in relation to rates and returns?

3. The credits of the railroads?

4. What effects will the decision in the first two issues have upon:

1. The credits of the railroads?

2. Stockholders and railroads in relation to rates and returns?

3. Shippers in relation to rates and shipping?

4. Government returns?