COMING EVENTS!

Mondays, weekly, 7.30 P. M., at the Clubhouse: “Court and Trial Work,” under the direction of professors and successful practising attorneys. Register at office for this course.

NOVEMBER 14:
7.30 P. M., Monthly Assembly under the direction of Quincy District Committee, Lawrence D. Ferguson, Chr., Wesley C. Haley, Leo T. Bennett and Leo W. Higgins, Mayor McGrath, the Honorable Justices, Judge Nash, Judge Avery and Judge McAnarney are invited guests; while our Suffolk Senior Flavin, President of the City Council; and Alumnus Pratt, ’25, member of the Council, and Representative Burgess, ’22, with Joe Reardon, ’25, as reader, will bring their messages. Refreshments for all.

NOVEMBER 21:
1 to 2 P. M., at the Clubhouse. Suffolk Luncheon Club, with Colonel Guthrie of Canadian overseas fame as guest and speaker.

DECEMBER 5:
First Great Suffolk Reunion and Dance (Informal)—For Alumni and Undergraduates—Elks’ Hotel Ball Room, Reception, 8 to 9. Dancing, 9 to 1. Joe Rines’ Brunswick Recording Orchestra. Tickets, admitting gentleman and lady, $2.00. (Get tickets from Thomas J. Finnegan, Chairman, 40 Court Street, or the Alumni Secretary.)

HINTS TO YOUNG LAWYERS
Address Delivered by Senator T. J. Walsh to the Graduating Class of Suffolk Law School

Boston, Mass., June 6, 1929

(Continued from October issue)

An idea is prevalent, both among the laity and in professional circles, that a higher order of talent is required and displayed in the elucidation of the law, in the preparation of opinions and briefs, than in the development and establishment of the facts out of which differences arise concerning legal principles. Incident to this notion a standing in the profession is accorded to the one accomplished or reputed to be accomplished in the profundities of the law somewhat superior to that of the lawyer skilled or reputed to be skilled in trial work, and the antecedent investigation necessary to its successful prosecution.

The notion may be the offspring of the class system of England, in which a distinction is made between the solicitor and the barrister who is provided with a brief of the facts with references to the witnesses by whom they are to be established, a plebian kind of work usual, it is assumed, to the dignified lawyer who

(Continued on Page 2)

THE ENGLISH INNS OF COURT

George R. Farnum, Esq., U. S. Assistant Attorney General, Washington, D. C.

Assistant Attorney-General of the United States George R. Farnum of Boston delivered the principal address before the Federal Bar Association at the Interior Building in Washington at the first meeting of the season on Monday evening, September 23rd. Having just returned from England, where he was engaged in conducting proceedings involving the United States, Mr. Farnum selected as his subject, "The English Inns of Court."

After explaining the division in England of the profession into those who were primarily confined to what would be called office practice—known as solicitors—and those who were engaged exclusively in the trial of cases—called barristers—Mr. Farnum drew certain comparisons between that procedure and the system in vogue in America, somewhat to the disadvantage of the latter. The English system, said Mr. Farnum, is the result of years of development. The Inns of Court, in which all barristers are matriculated, today consist of the great organizations of The Temple, The Inner Temple, Lincoln's Inn and Gray's Inn. These Inns can be traced back to the last of the thirteenth or beginning of the fourteenth century.

(Continued on Page 6)

UNIFORMITY FOR SAVINGS BANK INVESTMENTS

Wilmot R. Evans, Esq., President Boston Five Cents Savings Bank

If the mutual savings banks require legal restrictions there should be "a uniform state investment statute regulating the legality of investments and mutual savings banks." It is evident this statement cannot apply to mortgages since the fundamental theory of mortgages differs in different states. Some hold to the English theory that a mortgage is, per se, a conveyance, of the fee of the land; others regard mortgages simply as liens. The laws and decisions regarding real estate vary greatly. The requirements, methods and formalities of foreclosing mortgages differ so much that the Massachusetts Commission on Uniform Laws has found it impracticable to recommend a "uniform mortgage law."

Eliminating mortgages, therefore, there are many reasons why it is wise to advance toward uniformity, with other states, in regard to savings bank investments. Our savings bank statutes are antiquated. They were passed at a time when there was little competition in savings bank fields, when the national banks and trust companies were strictly commercial banks, without savings departments, and when investment trusts offered no

(Continued on Page 8)
The October meeting of Suffolk Law Alumni Association was held in the Club House on the 10th, at 7.30 P.M., with about one hundred in attendance and general qualifications together with the Faculty, act as an annual meeting (January), who, to receive letters and articles for publication in the Alumni Association. The men who were in school with him and who were not in attendance would have profited by again meeting him and who were not in attendance would have profited by again meeting him, and I am sure it would have delighted him to see them once again. Such is the type of alumni who presides over our meetings. Each of them is worth knowing. Here is an opportunity to make pleasant and profitable acquaintances. Many are taking advantage of it. More should. The members of the faculty ought to attend more. The “boys” like to see them again, and I am sure that they like to see the “boys” again and hear how they are getting on. Of course our graduates are very busy, many of them, but there is none whose time is so filled that he could not occasionally drop into our meetings. It has been truly said that lack of time is the excuse of the world. The big man is the master of his time, but time in its ceaseless running is the poorest excuse in the world. The big man is the master of his time, but time in its ceaseless running is the poorest excuse in the world. The big man is the master of his time, but time in its ceaseless running is the poorest excuse in the world. The big man is the master of his time, but time in its ceaseless running is the poorest excuse in the world. The big man is the master of his time, but time in its ceaseless running is the poorest excuse in the world. The big man is the master of his time, but time in its ceaseless running is the poorest excuse in the world. The big man is the master of his time, but time in its ceaseless running is the poorest excuse in the world. The big man is the master of his time, but time in its ceaseless running is the poorest excuse in the world.
Minneapolis, St. P. & S. S. M. Ry. Co. v. Rock, 49 S. Ct. 363

Respondent recovered a judgment for $15,000 under the Federal Employers Liability Act for personal injuries sustained while employed by petitioner. The judgment was affirmed by the appellate courts of Illinois. The U. S. Supreme Court granted a writ of certiorari.

The following facts and discussion thereof are from the opinion of the Supreme Court delivered by Mr. Justice Butler:

"Respondent was an impostor. His true name is Joe Rock. He obtained employment and remained at work by means of deception and fraud. October 1, 1923, he applied for employment as a switchman in petitioner's yard at Kolze. In accordance with a rule and the practice of petitioner respondent was sent to the company's physician for physical examination. It was found that he had been treated surgically for ulcer of the stomach and removal of the appendix, and that at the time of the examination he had a rupture. His application was rejected because of his condition. A few days later, respondent under the name of John Rock, made the application again, and the same examination was made. The physician found Lenhart's condition satisfactory, and believing that he was physically fit for such work, and sent him to the physician to be examined. His application was rejected because of his condition. A few days later, respondent procured one Lenhart to impersonate him and in his place to submit to the examination. The examining physician found Lenhart's condition satisfactory, and believing that he was the applicant, reported favorably on the application. As a result of the deception petitioner gave respondent employment, and it did not learn of the fraud until after December 24, 1924, the date on which respondent was injured.

"We are called upon to decide whether, notwithstanding the means by which he got employment and retained his position, respondent may maintain an action under the Federal Employers' Liability Act.

"The act abrogates the fellow-servant rule, restricts the defenses of contributory negligence and assumption of risk, and extends liability to cases of death. And respondent in this action seeks, in virtue of its provisions and despite the rules of the common law, to hold petitioner liable for negligence of his fellow servants, and notwithstanding his own negligence may have contributed to cause his injuries.

"The protection of interstate commerce and the safety of those employed thereon have direct relation to the public interests which Congress by that act intended to promote.

"The carriers owe a duty to their patrons as well as to those engaged in the operation of their railroads to take care to employ only those who are careful and competent to do the work assigned to them and to exclude the unfit from their service. The enforcement of the act is calculated to stimulate them to proper performance of that duty. The carrier had a right to require applicants for work on its railroad to pass appropriate physical examinations. Respondent's physical condition was an adequate cause for the rejection of his application. The deception by which he subsequently secured employment set at naught the carrier's reasonable rule and practice established to promote the safety of employees and to protect commerce. It was directly opposed to the public interest, because calculated to embarrass and hinder the carrier in the performance of its duties and to defeat important purposes sought to be advanced by the act.

"The evils and disadvantages likely to flow from such impostures are the same in kind as those which invalidate attempts of common carriers by contract stipulations to escape liability for their own negligence in respect of duties essential to their public calling.

"Respondent's position as employee is essential to his right to recover under the act. He in fact performed the work of a switchman for petitioner, but he was not right of its employee within the meaning of the act. He obtained and held his place through fraudulent means. While his physical condition was not a cause of his injuries, it did have direct relation to the propriety of admitting him to such employment. It was at all times his duty to disclose his physical condition to petitioner. His failure so to do was a continuing wrong in the nature of a cheat. The doctrine of misrepresentation injury may not be regarded as unrelated to contemporaneous facts. As a result of his concealment his conduct at all times wrongful, a fraud upon the petitioner, and a peril to its patrons and its other employees. Right to recover may not justly or reasonably be rested on a foundation so abhorrent to public policy.

"Judgment reversed."

Defendants appealed to the Circuit Court of Appeals for the Second Circuit.

"The principal errors assigned were that the court erred (1) in not compelling plaintiff to elect against which of the many defendants she would proceed, and (2) in ruling that a hospital or charitable institution was not immune from the liability for the negligence of its agent.

The court said in part:

"The motions of the defendants that the plaintiff be required to elect between them were based upon the theory that master and servant may not be sued jointly in an action of tort founded on negligence of the servant, where the master's responsibility results solely from the doctrine of respondent superior and without his personal participation in the servant's tort. Upon this subject there is a split in the authorities, a minority of the jurisdictions holding as the defendants contend. See 39 C. J. 1314; Parsons v. Campbell, 155 Me. 12, 5 Cush. (Mass.) 555.

We prefer the view of the majority, if we are free to choose in this question of joinder, depending as it must, upon local law. Chicago, R. I. & Pac. Ry. v. Schwyhart, 227 U. S. 184, 33 S. Ct. 256, 57 L. Ed. 473.

"The only expressions on the subject in the Vermont decisions is an early dictum in favor of the right.

"Consequently there is nothing which requires us to apply a different rule in Vermont from that which appears to obtain in the other States within this circuit (Phelps v. Wait, 30 N. Y. 78; Phelps v. Winchester, 100 Conn. 12, 122 A. 792), as well as in a majority of the States outside. The better reason, as well as the trend of modern authority, seems to us to favor the right of joinder, and it makes no difference that there was no error in permitting the action to proceed against both defendants.

"The court's ruling as to the liability of the hospital also involves a question of local law upon which the authorities are divided. Both parties agree that there is no controlling Vermont decision, so that we must determine for ourselves what rule to apply.

"To hold that a charitable institution, whose agent negligently runs down a pedestrian upon the street, need not respond in damages, although the circumstances are such as would render any other defendant liable, seems to us a monstrous doctrine.

"It is true that several courts of high authority have gone to this extreme. See Foley v. Wenonah Memorial Hospital, 246 Mass. 363.

"But in our opinion no adequate reason has been, or can be, advanced for allowing the purpose of the settlor of trust funds to introduce into the law a principle which, to us, appears so anomalous and so unjust. We prefer the reasoning of cases which have applied the ordinary rules of liability to such a situation as is now before the court.

"Judgment affirmed."
Recent Decisions of the Supreme Court of Massachusetts

Arthur V. Getchell

**CONTRACT TO INFLUENCE A TESTATOR**

In Pike v. Pike, 1929 Adv. Sh. 379, plaintiff declares on a contract alleged to have been entered into between her and defendant, who was her adopted son, whereby, in consideration of a 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 the old will was probated, and the plaintiff seeks 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. Dame, 18 Pick. 472: "A person having property . . . may make a will in favor of what he pleases. A common friend may lawfully represent to him, the expediency and fitness of making 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 testatrix left all her 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 this man whom she had named as her husband. About a year after the execution of 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 the testimony was to the effect that she was married. The court cited the statute to the effect that marriage may be proved by evidence of general reputation, 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.

**ADVERSE POSSESSION**

Grinuk v. Bank, 1928 Adv. Sh. 1835. In an action to enjoin defendant from selling certain lands on execution, there was evidence in favor of plaintiff and defendant appealed. The bank in another action had attached property of one Robert on Oct. 24, 1918, had recovered judgment, and was about to sell the land to satisfy its execution. Robert had previously conveyed this land to Beauchamp in May, 1915, who said this deed was recorded until Dec. 24, 1919. Beauchamp conveyed to LaFrance in July, 1937, by deed duly recorded, and LaFrance to Grinuk in 1920 by deed likewise duly recorded. It was agreed between the parties to the present suit that, since the deed of Robert to his grantee was unrecorded at the time of the attachment by the bank, the bank is entitled to a decree in its favor unless the plaintiff can show that they had possession or their title have acquired a title by adverse possession. The full court affirmed the decree of the lower court, holding that the facts showed a use of the land by LaFrance, adverse to Robert, for more than twenty years, with a possession which was open, notorious, exclusive, and continuous.

**EFFECT OF DEED OF A MAN TO HIMSELF AND WIFE JOINTLY**

In Ames v. Chandler, 1929 Adv. Sh. 133, there came in question the effect of a deed of that tenancy, a married man, running to himself and his wife "as joint tenants and not as tenants in common." The Land Court held that under our law a deed to husband and wife as joint tenants created an estate by the entirety; that although under G. L. c. 184, sec. 5, a person may convey to himself and "another" jointly, the language of this statute precludes a conveyance by a man to himself and his wife as tenants by the entirety, since in such estate there is no "other" person, as the husband and wife are considered as one person. Therefore the deed in this case was a nullity. The Full Court overruled this decision and held that, although a man could not convey to himself and his wife as tenants by the entirety, yet under the rule that a deed shall be construed to give effect to the intent of the parties, this deed could not be void contrary to some rule of law or repugnant to the terms of the grant, and since it cannot be thought that the parties here intended to convey less than they gave, were in this deed words appropriate to create a joint tenancy, the deed in this case is to be construed as creating a joint tenancy between the tenant and his wife.

**VIOLATION OF ORDINANCE AS EVIDENCE OF NEGLIGENCE**

In Finkelman v. Finkelman, 1929 Adv. Sh. 1895, it appeared that defendant had parked his car on a public street for more than twenty minutes, and for some time after being told by an officer to move it. In violation of a city ordinance; that on the opposite side of the street was a pile of dirt considerably narrowing the street; that plaintiff was standing on the sidewalk; and that two pieces of fire apparatus, approaching each other on this street, collided, and one of them pushed the defendant's car onto the sidewalk, injuring the plaintiff; and it was held that the unlawful occupation of the street by defendant's car was not a proximate cause of the accident. The violation of an ordinance is evidence of negligence, but not conclusive. The defendant was bound to anticipate and guard against what usually happens or is likely to happen, but not what is only remotely or slightly probable. Verdict for defendant.

**PRIMA-FACIE EVIDENCE THAT DRIVER OF AUTOMOBILE IS ACTING AS AGENT OF REGISTERED OWNER**

Thomas v. Meyer Store, Inc., and Haun v. LeGrand, 1929 Adv. Sheets, are cases arising under G. L. c. 231, sec. 8A, the effect of which is to make registration of a motor vehicle in the name of the defendant and the registration of such vehicle evidence that it was, at the time of the accident for which suit is brought, being operated by a person for whose conduct the defendant is responsible, and the absence of such responsibility is made an affirmative defense to be set up and proved by defendant.

The court holds that, since this statute relates to evidence and not to substantive law, it is applicable to cases in which the accident occurred before, but trial is after, the enactment of the statute (effective on Sept. 1, 1928).

The court says that under this statute it is rarely that it can be ruled as matter of law that the defendant has made out an affirmative defense or that a prima-facie evidence has been overcome, but in most instances this question of fact must be submitted to the jury.

In the first case the employee testified that, among his other purposes in driving the automobile at the time of the accident, one was to get his supper, and the defendant contended that, therefore, the journey could not have been on the business of the defendant and moved the verdict. The motion was denied and defendant excepted. The court holds that at most there was raised a question of fact for the jury, and the defendant's exceptions are overruled.

In the latter case the plaintiff called as witnesses the defendant and one Carley, the driver of the car, who testified that the car had been left at Carley's garage for repairs and at the time of the accident it was being driven back to defendant's place of business to be left there. The court holds that this testimony does not overcome the prima-facie evidence established by the statute and might be consistent with it; Carley may have been the agent of the defendant in returning the car; plaintiff did not waive the prima-facie evidence by calling these witnesses; a party by calling witnesses does not necessarily become bound by their testimony. Defendant's exceptions are overruled.

THE BEST IS NONE TOO GOOD!

JOE RINES' ORCHESTRA FOR THE DANCE, DEC. 5. See Page 1.
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ENGLISH INNS OF COURT

(Continued from Page 1)

Naturally, their customs and practices are based upon ancient tradition, usually grossly over-protracted, much specialization between court and among the latter of an extensive experience and to the development of a higher degree of expertise and skill in the trial of court cases. That, of course, is the natural result of a body of men specializing in the handling of litigation. While in America in recent years there has been some tendency in communities to regard some specialization between court and office practice, the average office lawyer, hand in hand with the conduct of court proceedings when he so desires, and he does so infrequently. The result is that a large part, if not the majority, of cases in America, are tried in whole or in part by men who have never been trained in the science of advocacy and who have not had the experience enough to acquire even a moderate degree of expert technique in the work, with the consequence that our trials are usually wholly or protracted, much time is consumed wrangling over the admissibility of evidence by lawyers who have no adequate knowledge of the laws of evidence or the science of judicial proof, a great mass of immaterial matter is brought into the trial, clouding to a large measure the case. The experience of years in the courts is necessary before he attains any real degree of proficiency in his art.

I suppose the average attorney would concede that an opening statement in a trial is a rather elementary part of the work of counsel. Of years in the courts is necessary for them to develop good solicitors. A barrister by any means.

Further, there are differences in the temperaments of men which render them more fitted to do certain things. I am very studying about the court room is a never-ending source of terror, and there are others for whom office practice is an abomination. The form will never qualify as barristers, though they may appear in that role on rare occasions under great duress. The latter afford very poor material from which to develop good soliciters.

While I have asserted that you cannot impose the English system entirely upon the American profession, it is possible to foster and encourage to a greater degree than now exists the development of a body of lawyers specializing in the trial of cases, and discouraging the participations in trials of men whose practice is largely confined to office business. Possibly the time may come when we can accomplish this result by legislation. For myself, I am really afraid that, if we had here, as in England, a body of highly trained professional gentlemen, specializing in the trial of cases, it would go far to remedy the criticism which we hear on all sides in respect to the manner in which our trials are conducted. I do not assert that this would be a panacea for all the ills that litigation is heir to, but it would, I think, help a lot.

EXECUTION OF WILL

The decision in Tredick v. Bryant, 1929 Adv. Sh. 1997, calls attention to the necessity of observing carefully the statutory requirements in the execution of wills. In this case the petitioner offered for probate an alleged will purporting to be executed under the following circumstances: The alleged testatrix requested the several witnesses to come to her home to witness her will. She produced the paper, now of course, and told the witnesses that it was her will, and requested them to sign as witnesses. The probate judge found that the so folded that a signature of the witnesses did not see her name. It is evident from the record that the witnesses did not see nor sign the instrument, nor see her signature upon it, nor were they told it was there.” The Supreme Court says that as matter of law the decision of the Probate Court that the will was not legally executed was right, and quoted Leatherbee v. Leatherbee, 247 Mass. 135, as follows: “An instrument, to be valid, should be in the presence of the witness who subscribes the instrument and attests the signature of the testator, or the signature must be shown to such witness and acknowledged to be that of the testator, before the witness shall subscribe his name. The instrument, to be valid as a will, must be signed in the presence of the witness who subscribes the instrument and attests the signature of the testator, otherwise the instrument is not a will.”
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inducement to the investor. The sole object seemed to be to require investments, by savings banks, to be such as would assure the safety of the principal, though the return was small. The result was that, except in the case of investments in bank stocks, there was absolutely no opportunity for an increase in the principal. The possibility of loss could not be completely eliminated, so the task of the heads of savings banks was difficult. With no chance of gain and with some chance of loss, the only way in which the principal could increase was to retain some of the current earnings as surplus, which theoretically and actually belonged to the depositors.

Although savings bank deposits have always been regarded as fiduciary funds the Legislature, inconsistently, has never permitted them to be handled in a manner in which the Supreme Judicial Court has said is the proper way to invest trust funds.

The subject of trust funds and their investment has been considered in our courts. The chief rules as compiled for the guidance of the trust department of one of our large banks are as follows:

1. A trustee is bound to use the highest degree of good faith in making investments.

2. A trustee cannot be expected to be infallible, but is bound to exercise such reasonable care in the management, investment and re-investment of property under his control as men of ordinary prudence, discretion and intelligence would exercise in the management, investment and re-investment of their own property, "not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income as well as the probable safety of the capital to be invested." Harvard College v. Amory, 9 Pick. 446.

3. Not more than 20% of the trust funds should ordinarily be kept in one stock, and not in one class of investments except under peculiar circumstances of the particular case, Dickinsons Appeal, 132 Mass. 184.

4. The trustee should seek first, the security of the trust fund, and second, the production of a sure and reasonable income.

5. No investment should be made in a security not readily convertible into cash.

6. A trustee in Massachusetts is justified at law in making investments in the following classes: (a) Bonds of the United States Government. (b) Bonds of states, counties and cities in the United States. (c) First mortgage bonds of established corporations in the United States and Canada, backed by large stock value. (d) Debenture bonds of established companies in the United States or Canada, where the bonds issue is closed or strictly limited, backed by large stock value. (e) Preferred stocks of established companies in the United States and Canada, having a comparatively small preferred stock issue, backed by a large common stock value. (f) Common stocks of established corporations in the United States and Canada, having a record of consistent dividends, and having a small funded or float- ing debt authorized or outstanding; (g) small preferred stock issue authorized or outstanding; (h) Notes of individuals secured by adequate collateral of classes mentioned above.

7. Time deposits in a national bank.

8. A trustee in Massachusetts is not justified ordinarily in making investment in the following: (a) Unsecured notes of individuals. (b) Unproductive real estate. (c) Farm lands. (d) Unincorporated businesses. (e) Partnerships. (f) Improvements on unimproved land outside of Massachusetts.

9. Bonds or stock of new, hazardous or speculative undertakings.

10. Mortgages on leasehold security.

11. A trustee should sell any investment under his control which is of uncertain or doubtful value, or which shows highly fluctuating returns as soon as it can be sold for what it is reasonably worth, regardless of the price at which it was bought by the settlor, or at which it was taken over by the trustee, the money should be properly reinvested.

12. The fact that a prudent man having money to invest would not invest any part of it in a stock at the market price is an indication that a trustee should sell its holdings of that stock. This is not so obvious, however, as would be overcome by the fact that if a prudent man should inherit a block of that same stock he would decide to hold it for a possible return in value rather than sacrifice at the bottom a stock which his benefactor purchased near the top.

13. In deciding whether or not to sell a particular security the trustee should consider the price at which it took over the security, if at all, merely as some indication as to whether the security is selling at a price which is high or low compared to its actual value.

14. A trustee should not refrain from selling a security which, after careful consideration, it feels is hazardous or of low value, because to do so would mean the showing of a loss on its books, and should not sell a security which, after careful consideration, is a proper investment and one that is increasing in value just because to do so would show a gain on its books.

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

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SAVINGS BANK INVESTMENTS

(Continued from Page 5)

particularly in reference to investments, are antiquated and are not of sufficient latitude to permit a proper
ments, are antiquated and are not of
WHEREAS, commercial banks, trust companies and investment trusts are encroaching on the field formerly
WHEREAS, in order to promote the efficiency and usefulness of savings banks and to permit them to render
better service to their depositors, it is
RESOLVED that the Legislative Committee of the Savings Bank Association be and hereby is authorized and instructed to prepare suitable legislation and to petition the General Court for new statutes in reference to the investment of savings bank funds, which would broaden the field of savings bank investment and would permit investment in common stocks in sound industrial companies, in insurance companies, and in national bank and trust company stocks generally, and to give the officers of savings banks authority to invest in accordance with the principles laid down by the Massachusetts Judicial Court in regard to the investment of trust funds.

To revert to the recommendation, "Uniformity":

For a great many years there has been a conflict of reference to the laws of various states. This was the cause of serious inconvenience and of considerable loss. It also made it difficult to deal with people in other states where the contracts might be construed differently than here.

The result was that for some years past most of the states have had Uniform Laws Commissions. The commission in Massachusetts consists of lawyers of wide experience. From time to time the various Commissions meet either as a whole or in section meetings to consider codifying the laws on various subjects with the object of establishing a standard or uniform law to be enacted in the various states.

The work of these Commissions has covered a great variety of subjects. The chief uniform acts drawn by the Commission and which have become laws in Massachusetts are as follows: Uniform Sales Act, Conditional Sales Act, Warehouse Receipts Act, Bills of Lading Act, Negotiable Instruments Act.

HINTS TO YOUNG LAWYERS

(Continued from Page 2)

at least mitigate the evils likely to flow from the features adverted to, he remarks that as there are institutions which do not work as well as theoretically they ought, so there are others which work better. He might have instanced the royal family of England, the maintenance of which seems to the ordinary American mind a senseless burden upon the people of that country, seeing that no member of it performs any active function of government. And yet it is quite generally believed by Englishmen, at least, that it is the tie, tenuous though it be, that holds together the units of the British Empire, even if it does not subserve any other useful end.

So, although considerations may be advanced of apparent force against the jury system as an integral part of the machinery for the administration of justice, the universality of its use by English-speaking peoples, the continuity with which it has been employed from near-barbaric times, and the encomiums lavished upon it by jurists, sititors to the courts of the British Empire, ought to make one chary of urging its abandonment, however doubtful he may be of its value under modern conditions. It has been transplanted in every British colony and remains a feature of the jurisprudence of every self-governing country in which the influence of the English language prevails. It is, therefore, quite safe to assume that however useful the jury system may not be under modern conditions, it is likely to prove useful in any new country, seeing that no government can do without it.

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right of trial by jury, many of them specifically extending the right to civil as well as criminal cases, evidencing an acceptance of the enthusiastic comment of Justice Story, who declared what he referred to as "the privilege of a trial by jury in civil cases" to be "a privilege scarcely inferior to that in criminal cases, and one which is essential to political and civil liberty."

The attachment to the principle, at least in criminal cases, underlines how itRose in the struggle for liberty in England. It was regarded, and doubtless proved to be, a bulwark against everything that smacked of arbitrary power, be it arising from the rivalries and ambitions of contenders for the throne. In the organization of our government, the right was expressly provided for; in no means uncommon, that the courts might be employed by those in power to punish their political enemies, particularly in view of the power conferred upon the power of the House of Representatives and the President, and the capacity for them to be subsequently met by constitutional provisions with prosecutions under the alien and sedition laws, and by the outcries of relatively recent origin authorizing a verdict by less than the whole number, usually two-thirds or three-fourths. It is not uncommon, either, that one or more jurymen have acquired a familiarity with some line of activity that aids materially in solving the question at issue. I have in mind, as illustrative, some articles which have been published by lawyers, which have presented a feature of the federal system not existen at common law, in view of the adjudications that there is by such implied a jury of twelve and an unusual provision for their appointment that it is limited in some states to criminal cases only, from which it may reasonably be argued that the subject is open to regulation by the legislature, in respect to civil cases. (Concluded in December issue)