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EDITORIAL

WE are now celebrating the Tercentenary of the founding of the Massachusetts Bay Colony. Very soon after Boston and the surrounding towns were settled, the fathers began to plan for the education of the youth of the new land. In 1637, Harvard College was founded, the first institution of higher learning on this side of the Atlantic. That it would grow to such tremendous proportions as it has today attained, its founders could not in their most sanguine moments have dared to hope. Since the establishment of that institution, Boston and vicinity has been recognized as a center of education and culture. Today there are over 30,000 young men and women attending its colleges and universities.

The advent of evening and part-time schools inaugurated a new era in education, and partially satisfied a long-felt want. These institutions have opened the door of opportunity to many who heretofore were barred by economic exigency. In our Alma Mater we have an institution which has been a pioneer in this field. During the past twenty-four years it has grown in numbers and influence so that it has now become a necessary part of the educational world. Its success has been phenomenal. We believe it to be without a peer as a legal training school. We

Yet its activities have been necessarily curtailed and retarded by the fact that it is not endowed. The work that it could do if financially able is being left undone. It ought of good right to be a haven for worthy persons seeking opportunity, not alone from Massachusetts and New England, but from all over the United States, yea, even all over the world. Here ought to be recognized a place where men, (and dare I say women?) from the ends of the earth could come and obtain an education in their chosen field, regardless of their circumstances and situation in life. An opportunity to earn their way, and in extreme cases, tuition, ought to be provided. Honesty and industry should be the only tests. But to enable the institution to thus open its doors, broaden its field, and find employment for all who knock at its portals for admission, it must be generously endowed. What a splendid monument one would erect for himself by assisting to create and perpetuate such an opportunity for generations yet to come! What a tremendous stroke for democracy and the ideals of justice and equality!

As an alumni association, we are potent only in keeping with the strength of our Alma Mater. What are we doing about the vision here presented? What could we do about it? I do not attempt the answer. I merely plant the seed with the hope that some day it may grow to a glorious fruition.

K. B. W.
SUFFOLK ALUMNI NEWS

Dill Roget's Dispatch

on THAT OUTING!

Allard Farm, with its old-fashioned, rambling buildings, hidden in the hills not far from the river, and with its pine grove, cool ponds and other natural facilities for sports, was the attraction on July 24th for a large group of Suffolk men who forgot cares and cases and went to the Alumni Outing.

Captains Jimmie Glynn and Joel Miller sure put the baseball team on the map when the game was pulled off with a tie and settled in favor of the married leg led by Jimmie, by a flip of a coin. Was the score 15-15, Umpire Finnegon, or shall we refer to our official score-keeper, Dean Archer? Things moved so fast we sort of had difficulty in following events. We did notice that Pitcher Bloomberg pulled some fast ones for a man who "had never played ball before." We also concluded that we had rather have Harold Archer run with us than after us. We were all proud to have Big Bill Murphy give his time to our little amateur team, for he hits in a class with the man. We couldn't follow 'em with glasses. We were sorry when brothers John MacDonald and Redmond Welch formed the casualy squad on the bleachers with a won Red Cross representative to console them. A general query was heard, "On which side was Jack Moriarty?" As far as one could see, he played the hardest for both sides of any man there, always after the fouls and fielders. Old timers were on hand and led the plays supported by later grades. Oie Dahi, Charlie Austin, Ken Dunlop, with Joel Miller, Arthur La Vigne, John McCabe, Fred Gillis, Doc Kane, Art Brown, James O'Hearn, Harry O'Reilly, Rush, Er. Harkey, Ken, Williams and others.

Lean and lanky men again won the annual tug-o'-war cup trophy, captained by Jimmie Glynn and Arthur Rush. You should have seen the rope stretch with Tom Delmore, Ray O'Brien, Jim Sheehan, Ed. Gunther, John MacDonald, Joe Buckley, Eugene Turcotte, George and Reg. Murphy, Stephen Flynn, Bill Manning, Syd Buckman, Milton Smith, Abe Goldman, Bill Flynn, Bill Manning, Syd Buckman, Milton Smith, Abe Goldman, Bill Kelly and others pulling strong!

Fleet-footed Milton Smith easily claimed the cup in the 100-yard dash. Undeniably President Spillane showed first form (in his sport suit), in the golf putt contest, but his fellow-townsmen, Daniel J. Martin, claimed the cup in the 100-yard dash. Ex-President Coolidge, who is directly connected with Suffolk history in the laying of the cornerstone of the present school building, August 4, 1920, when he was Governor of Massachusetts.

The many who attended Suffolk's leading social function of the year, the first Annual Prom and Reception to the Seniors given by the alumni in the ballroom of Ells' Hotel, will remember the occasion as one of the most brilliant in the history of the school.

Trustees, faculty members, prominent alumni and their wives were patrons. Graduates, undergraduates and friends were present in large numbers and a fine spirit of sociability prevailed.

Ray Boyle and his orchestra provided an excellent musical program. Refreshments were enjoyed.

Patrons:

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Mr. and Mrs. Abbott G Allbee
Hon. and Mrs. Thomas J. Boynton
Mr. and Mrs. Thomas J. Brown
Mr. Maurice H. Cavanagh
Mr. and Mrs. Aiden M. Cleveland
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Mr. and Mrs. George H. Spillane
Mr. Delbert M. Staley
Mr. and Mrs. Roger F. Turner
Hon. Joseph E. Warner
Mr. and Mrs. Kenneth B. Williams
Mr. Leo Wyman

ACKNOWLEDGMENT

Joel L. Miller, '29, has presented the Association with an etching of Ex-President Coolidge, who is directly connected with Suffolk history in the laying of the cornerstone of the present school building, August 4, 1920, when he was Governor of Massachusetts.

From Purdy, the school class photographer, a framed, composite-group picture of the mid-year class of 1930, now in the Assembly Room of the Club House.

From Fay Foto Service, our banquet and group photographer, a framed snap-shot of the class of 1929, also in the Club House Smoking Room.

We wish to acknowledge additional books for our library from Joe Twitchell, '18; Sunderland's "Cases on Procedure"; Hall on "Constitutional Law"; Hinton on "Pleading," and on "Trial Practice"; Thock's "Cases on Evidence."
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Recent Decisions of United States Courts

By Kenneth B. Williams

Taxation—Jurisdiction

Surplus Trading Company v. Cook.
50 S. Ct. 455.

The appellant purchased a quantity of woolen blankets which were in Army storehouses within Camp Pike. Camp Pike is situated within Pulaski County, Arkansas, and occupies land purchased by the United States from the county for the purpose of establishing, erecting, and maintaining an army station.

Shortly after the appellant purchased the blankets, and while they were still in the Army storehouse, the county levied a personal property tax on all property in the county. It attempted to collect a tax on these blankets. The state courts held for the county.

On appeal, the United States Supreme Court reversed the decision of the lower court, on the ground that personal property situated thereon was not subject to taxation by the county.

Constitutional Law

50 S. Ct. 449.

In 1910, the City of New Orleans passed an ordinance requiring the appellant to construct a viaduct for its street railway over the tracks of the Southern Railway Company. In 1926, the city passed another ordinance requiring appellant to remove the viaduct and construct in its place double tracks at street level across the railroad tracks. Appellant refused, and the city brought this suit to compel compliance. The city alleged that because of increasing population the single track was insufficient to provide adequate service, and that the viaduct was not properly maintained, and was dangerous to the public.

It appears that the viaduct cost $58,000, and that its destruction and the making of a new crossing at street level would cost more than $135,000. Appellant contended that the ordinance is arbitrary and violates the contract clause of the Federal Constitution and the due process clause of the Fourteenth Amendment.

The Supreme Court held that the purpose of the ordinance was merely to regulate the use of streets for the convenience and safety of the public, was a valid exercise of its police power; and that was no impairment of appellant's franchise, or any unreasonable and arbitrary taking of property without due process of law.

Constitutional Law—Taxation

50 S. Ct. 436.

While a resident of Illinois, Carrie Baldwin died leaving all her property to her son Thomas, a resident of the same state. Under the statutes of Illinois, an inheritance tax was laid upon all her intangible personality wherever situated.

Ancillary administration was taken out in Missouri, where Mrs. Baldwin owned real estate; credits for cash deposited in banks located there; also certain bonds and sundry promissory notes which were then physically within that state.

The State of Missouri demanded transfer inheritance taxes upon the value of all the above described property. No denial of the right to tax was made with reference to the real estate, but as to the personality it was resisted upon the ground that the property was not within the jurisdiction of the state for taxation purposes and to enforce the demand would violate the due process clause of the 14th Amendment.

In upholding Baldwin’s contention the court said: “Ordinarily, bank deposits are mere credits, and for purposes of ad valorem taxation have situs at the domicile of the creditor only. The same general rule applies to negotiable bonds and notes whether secured by liens on real estate or otherwise. . . . So far as disclosed by the record, the situs of the credit was in Illinois, where the depositor had her domicile. There the property interest in the credit passed under her will; and there the transfer was actually taxed. This passing was properly taxable at that place and not otherwise.

“The bonds and notes, although physically within Missouri, under our former opinions were choses in action with situs at the domicile of the creditor. As they were not within Missouri for taxation purposes, the transfer was not subject to her power.” Mr. Justice Holmes, Mr. Justice Brandeis, and Mr. Justice Stone dissented.

Constitutional Law—Jury Trial

Patterson et al. v. United States. (Decided, U. S. Supreme Court, April 14, 1930.)

John Patton and two others were indicted in a Federal district court for conspiring to bribe a Federal prohibition agent. They were placed on trial before a jury of twelve men on October 19, 1927. On the 27th one of the jurors became severely ill and was unable to serve further. Both the government and the defendants waived the presence of the twelfth juror and agreed to proceed with but eleven jurors. The court approved the agreement. The trial was completed before eleven men and defendants found guilty. Defendants appealed to the Circuit Court of Appeals. That court being in doubt as to the law, certified to the U. S. Supreme Court the question whether the defendants could thus waive their constitutional rights.

The Supreme Court upheld the conviction on the ground that the right to jury trial by twelve men being merely a personal privilege of the accused could be waived without affecting the jurisdiction of the court to convict. U. S. Daily, April 16, 1930.

Changes in Faculty at Law School

Attorney Thomas J. Finnegan, of Malden, for three years instructor in sales, has been appointed professor in bankruptcy to succeed Professor Harry E. Thompson, who resigned because of ill health. Mr. Finnegan is a Boston College graduate, class of 1914. He has been active in the work of the Alumni Association.

Attorney Alexander R. Smith, for several years instructor in deeds, mortgages and easements, has been named professor in real property. Mr. Smith is a graduate of the New York Law School, and a member of both New York and Massachusetts bars. He is president of the Waltham City Council. As professor, he succeeds our much respected Frederick O. Downes, who has resigned.

Attorney Leo W. Higgins, of Quincy, Suffolk '25, has been appointed instructor in carriers to assist Professor Francis P. Dillon.

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Although the doctrine of res ipsa loquitur was applied to plaintiff, said that, a parent or guardian able and willing to supply it. The court further states that the plaintiff cannot for the first time in the Supreme Judicial Court make objection that proof of the necessity for which he is liable if he has a written contract, although not disclosed principal, Thomas, they can maintain an action brought in the names of both. The full court held that, although a principal may sue on a written contract, although not named therein, if made by his agent (and the contract is not under seal and is not a negotiable instrument), yet this privilege of law does not give the plaintiff in this case the right to recover in one action on a policy issued in the name of one who was a part owner of the damaged premises and was himself a principal so far as his interest was concerned. Leave was given to amend by striking out the name of Thomas; otherwise the judgment was to be entered for defendant.

Personal Education Not a Necessity
Moscow v. Marshall, 1930 Adv. Sh. 999. Defendant, a student at Harvard College, entered into a contract with plaintiff for the rental of a room in a dormitory for $100 a year. A few days after taking possession, defendant was removed from the dormitory, not having paid the rent, for which the plaintiff thereafter brought suit. Defendant set up his infancy in defense. The Superior Court found for the defendant and reported the case to the Supreme Judicial Court, which upholds the Superior Court and orders judgment for the defendant. The court says that a college education is not, as matter of law, a necessary, and no circumstances were here shown which would warrant a conclusion that such education was a necessary as a matter of fact. The court also says that "a college education, even if needed by a minor, is not a necessary for which he is liable if he has a parent or guardian able and willing to supply it." The court further states that the plaintiff cannot for the first time in the Supreme Judicial Court make objection that proof of the infancy of defendant was not of from a readily the record failing to show that the question as to the proof of that fact was raised at the trial.
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As usual, our ex-president, James H. Brennan, showed his interest in local affairs, when he presided as toastmaster at the Community Banquet on June 17th, at the State Armory in Charlestown, on the occasion of the Bunker Hill Day exercises. Mr. Brennan's interests also have a larger aspect for he won the nomination as a Democratic candidate to the Governor's Council by 6000 votes!

Word has come of the meeting of Morris Kaufman, '27, and Paul Zerrahn, '27, in Los Angeles recently, and of a telephone conversation with Walter H. Tooker, '25, in Claremont, Cal., and the announcement that he is manager of the new business department of a Pacific Coast Suffolk Club! Mr. Zerrahn was recently made trustee of the Pomona Branch of the California Trust Company, of which he is manager of the new business department.

Maxwell H. Robinson, '29, of Lowell, has formed a review class in that city for state bar examinations, and is teaching in conjunction with his brother, Calvin Robinson, who took his LL. M. at B. U. in 1927. Maxwell was valedictorian of his class, and received three scholarships and two prizes while at Suffolk.

Alfred C. Walton, '25, and Eben Hutchinson, have formed a law partnership, with an office at 20 Pemberton Square.

Harold B. Bennison, '26, is to be congratulated on his splendid work for the Boston Traveler as feature writer. We noted his good report of the Scituate Pithas crash, and other articles during the summer, which have placed Mr. Bennison well up in the ranks of newspapermen.

Hon. George R. Farnum, of 6 Beacon Street, Boston, of the firm, MacPherson, Aubuch & Farnum, has been selected Honorary Consul of Turkey for the district of New England, according to advices recently received by the Turkish Ambassador from his government at Angora. This is the first consulate established by Turkey in Boston.

William H. Ahlgren, '30, is now cashier in the new branch of the Atlantic National Bank at 144 Tremont Street.

Cosimo J. Toccano, '20, has opened an office as attorney-at-law at 332 Main Street, Worcester.

Joseph P. Fitzgerald, '28, is in the general practice of law at 44 Bromfield Street, Boston.

James E. Bagley, Jr., '27, president of East Boston Suffolk Club, has an office at 670 Bennington Street, under the name of Bagley, Sherman and Sawyer. Mr. Bagley also has an office at 50 State Street, Boston.

Major Frank T. McCabe, '30, U.S.A. has been transferred to Fort Leavenworth, Kansas.

Thomas F. Techan, '24, who has served as probation officer in the Boston Municipal Court for years, was appointed chief probation officer of the Roxbury Court in June; and one of our undergraduates, Albert H. Davis, '21, was appointed probation officer in the Boston Municipal Court.

Joel Miller, '29, was admitted to practice in the U. S. Court, June 23rd.

Announcement is made of the marriage of Roger F. Turner, '25, to Louise Harriot Lambert, of Milton, on April 21st. Mr. and Mrs. Turner reside at The Pines, Elm Street, Walpole. Mr. Turner has his law office in Milton and is owner of the Milton Ice Company.

Professor Leo J. Halloran, '20, commander of the Legion Post, Quincy, attended the Legion Convention at Williamstown, Pa., in July.

A. Bentley Kurtis, '29, announces the opening of his new office at 10 Alhambra Building, Quincy.

George H. Toole, '29, made an extended ocean trip south to the Caribbean Sea and the Gulf of Mexico in the interests of the U. S. Merchant Marine Lines, with whom he is employed.

John E. Quigley, '27, has associated himself with W. Henry Finnegan, '26, at 9 Pleasant Street, Malden. Mr. Quigley entered Suffolk in 1916, but at the call for volunteers in the World War he enlisted in the regular army May 1, 1917, and completed his law course on his return at the close of the war. At present he is the judge advocate of the Lieutenant Joseph Wehner Post, Veterans of Foreign Wars, and a member of the Middlesex County Council. Mr. Quigley has been engaged in the practice of law in Everett for the past two years and has served the city as the legal member of the Board of Appeals.

Simon J. Darivoff, '28, announces the opening of law offices at 3 State Street, Newburyport, Mass.

Howard V. Redgate, '25, with law office at 18 Tremont Street, recently purchased the King Philip—famous fishing smack on which many inexperienced parties have been initiated into the secrets of deep-sea fishing. Why not a group of alumni for such a trip, or a moonlight sail down the harbor?

William P. Reilly and Henry A. Murphy, both of '28, have entered into law partnership with office in the Cregg Building, Lawrence.

Howard P. Lucier, '29, won a legal research contest recently, which was sponsored by the American Law Book Company.

Samuel H. Gurvitz, '26, connected with Brockway-Smith-Haigh-Lovel Company, recently returned from an extended business trip through the southern states and California.

William E. Dingwall, '27, whose present address is Ancon, Canal Zone, has opened an office in Panama to practice law in the Canal Zone and the Republic of Panama, of which he is a member of the bar. He was admitted to practice law in Massachusetts in 1927.

The Alumni, especially the class of 1927, wish him good luck in his distant field of endeavor.

Charles H. Walters, '29, announces removal of his law office to 18 Tremont Street, Boston.

CARLOS F. WEILMAN, '29, sent greetings from Paris in August to his many Suffolk friends.

J. Warren MacCarthy, '24, has been spending some time in Dublin during the past months.

James A. Mulhall, '23, has been on an extended tour of the Continent.

Francis P. Garland, for years an esteemed instructor at Suffolk, has been sojourning in Europe this summer.

J. Elmer Chisholm, '30, toured England, France, Germany and Italy during July and August.

We regret to learn of the death of Joseph D. Casey, '25, of Lynn, on May 5th, last. Mr. Casey was a popular member of his class and will be missed by his many Suffolk friends.
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Francis P. Nazzaro, '29, 117 London St., East Boston, youngest of his class, is a member Boston Lodge, Knights of Pythias, and is in the advertising business.

Guy T. Piscapo, '29, attorney, 40 Court St., Boston, with Kelly & Kenney.

W. F. Pumphret, '29, attorney, 64 Paris St., East Boston, is also associated with the New Amsterdam Casualty Co.

John Santoro, '25, attorney, of the firm of Mondello, Santoro & Delle Grotte, 18 Tremont St., Boston, in general practice of law.

Charles V. Statuti, '26, attorney, 294 Washington St., Boston, is active in the Fall.

James J. Winsten, '26, attorney, is active in the Department of Public Welfare, R. 43, State House.

John E. Winsten, '26, attorney, 73 Water St., Boston, is engaged actively in banking.

Aaron Cohen, '30, attorney, 25 Wave Ave., Winthrop, is manager of the Lever Press, Chie of the Auburn Club, and a member of the Knights of Pythias.

Philip Fleischer, '29, attorney, 419 Exchange Building, was a member of the Winthrop Board, 1929, and is now manager of the Bonded Credit Protective Bureau at above address.

Samuel H. Kalish, '29, attorney, 50 Coral Ave., Winthrop, is Assistant Traffic Manager, American Glue Co.

Emanuel Victorson, '19, 42 Hawthorne Ave., Winthrop, is now associated with the Metropolitan Life Ins. Co., as general insurance agent.

He is a member Winthrop Lodge, K. of C., leader in various dramatic organizations, and winner of cups and medals in various oratorical contests in New York and Boston.

The Dorchester-Mattapan Suffolk Club held its fall meeting on Thursday evening, September 4th, at Wolf Post Hall, 29 Charlotte Street, Dorchester, with Prof. Henry P. Fielding as guest and speaker of the evening and President Joel L. Miller, presiding.

Mr. Fielding's reminiscences of his career in the office of the district attorney, together with a brief sketch of his experiences at the bar were enthusiastically received. This was followed by a question period in which members participated generally.

The next meeting of the club will be held November 6th.

The monthly meeting on October 15th will be a get-together of Suffolk men from all districts: participated in by representatives from all Suffolk Clubs: with music, entertainment, speeches and refreshments.

Let all Suffolk men rally to this great Fall meeting: and let each man see to it that his district is strongly represented.

The Date: October 15, 7.30 P. M., at the Club House.

The monthly meeting on November 12th will be in charge of the attorney of our association, again representatives of our various Suffolk districts. A good evening is bound to be forthcoming, for the program will be supervised by Brothers Martin W. Powers, Frank L. Mullett and J. Elmer Chisholm.

The Date: November 12, 7.30 P. M., at the Club House.

Suffolk Luncheon Club will meet October 21st, at 1.00 O'Clock and November 18th, at 1.00 O'Clock at the Club House.

(Please make reservations at least three days before above dates with the Secretary, Hay, 0739.)

Fine menu $75c

An enjoyable hour with Suffolk men! Let young grads and old grads meet together and get acquainted in the spirit of fellowship.

Men of 1930: we welcome you as new men to our association and invite you to participate in the programs announced above.

See LECTURES Page 12

DORCHESTER-MATTAPAN CLUB

The Dorchester-Mattapan Suffolk Club held its fall meeting on Thursday evening, September 4th, at Wolf Post Hall, 29 Charlotte Street, Dorchester, with Prof. Henry P. Fielding as guest and speaker of the evening and President Joel L. Miller, presiding.

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The giving of the notice required, within the time provided for by statute, must be pleaded in the plaintiff's declaration and proved at the trial. (Proof of the mailing of the notice, properly addressed with postage prepaid, in the proper time, raises the presumption of receipt in due course.) If by reason of physical or mental incapacity it is impossible for the person injured to give the notice within the time required, he may give it within ten days after such incapacity has been removed. In the case of death the time to give notice begins to run from the appointment of the executor or administrator. G. L., c. 84, s. 19.

G. L., c. 84, s. 17, provides as follows: "A county, city or town shall not be liable for an injury or damage sustained upon a public way by reason of snow or ice thereon, if the place at which the injury or damage was sustained was at the time of the accident otherwise rendered safe and convenient for travelers." Nielsen v. City of Worcester, 219 Mass. 88, 90.

G. L., c. 229, s. 2, provides for a (Continued on Page 12)
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