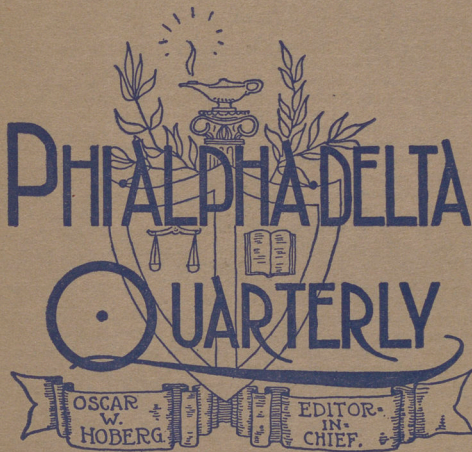


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Vol. VII

No. 3



FIFTEENTH CONVENTION NUMBER

EICHENBERG--

BULLETINS

OFFICE OF THE SUPREME FINANCIAL SECRETARY

Chapters will take notice that the address of the Supreme Financial Secretary has changed to 518 Eastern Trust Bldg., Bangor, Maine, and all remittances and communications should be addressed to him at this new address.

Many chapters are in arrears with per capita and initiation fees. All chapters are earnestly requested to meet these delinquencies promptly as their voting privilege is impaired if the same continue.

OFFICE OF THE EDITOR-IN-CHIEF

Many chapters are in arrears on their alumni magazine tax of \$1.50 on each alumnus leaving the chapter this school year. A misunderstanding has arisen it seems. The amendment did not affect

men graduating in 1913 and before the amendment, which was adopted by the last Convention, went into effect, but does affect men graduating this year. Also the names and permanent addresses of such men should be sent this office where remittance is made direct or where it has been made to some other office by mistake. As the chapters are made responsible for this tax they should collect from the individual members before they leave the chapter.

The fourth number of this volume will be the official report of the Convention, and will appear this summer.

OFFICE OF THE SUPREME TREASURER

Chapters are requested to note change of address to 2505 Union Central Bldg., Cincinnati, O.

COME TO CHICAGO

JUNE 26 and 27,

Fifteenth Convention of Phi Alpha Delta

The Phi Alpha Delta Quarterly

VOL. VII

NO. 3

OSCAR W. HOB ERG

Editor-in-Chief

SUBSCRIPTION RATES

\$1 a Year in Advance

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JUNE, 1914

FRATERNAL DIRECTORY

NATIONAL OFFICERS

- JAMES P. AYLWARD, 1116 Grand Avenue Temple, Kansas City, Mo.,
Supreme Justice. (*Benton.*)
- EDGAR A. JONAS, 1313 Fort Dearborn Building, Chicago, Ill., First
Supreme Vice-justice. (*Webster.*)
- JOHN J. WILSON, 424 Henne Building, Los Angeles, Cal., Second
Supreme Vice-justice. (*Ross.*)
- CONGER G. ROADS, 909 Williamson Building, Cleveland, Ohio, Supreme
Recorder. (*Hay.*)
- CHARLES B. ADAMS, 518 Eastern Trust Building, Bangor, Maine,
Supreme Financial Secretary. (*Hamlin.*)
- GEORGE C. PEACOCK, Title Guarantee Building, Cincinnati, Ohio, Supreme
Treasurer. (*Chase.*)
- PAUL C. MEIER, St. Croix Falls, Wis., Supreme Historian. (*Story.*)
- OSCAR W. HOBERG, Masonic Temple, Peru, Ill., Editor-in-Chief. (*Ma-
gruder.*)
- FRANK A. SAPORITO, First National Bank Bldg., Mount Vernon, N. Y.,
Supreme Marshal. (*Rapallo.*)
-

BOARD OF TRIBUNES

- EDWARD J. HESS, Chairman, 1313 Fort Dearborn Building, Chicago,
Ill. (*Webster.*)
- JAMES McKEAG, First National Bank Building, Chicago, Ill. (*Marshall.*)
- JOHN DOYLE CARMODY, Southern Building, Washington, D. C. (*Taft.*)
-

SUPREME ADVISORY BOARD

- ROLAND M. HOLLOCK (*Fuller*), 1902-1903.
- WILLIAM C. HEALION (*Marshall*), 1904.
- WALDEMAR C. WEHE (*Ryan*), 1904-1905.
- PAUL C. MEIER (*Story*), 1905-1906.
- THOMAS P. OCTIGAN (*Blackstone*), 1906-1907.
- LAWRENCE W. LEDVINA (*Ryan*), 1907-1908 and 1908-1909.
- SAMUEL H. ROBERTS (*Campbell*), 1909-1910.
- JOHN DOYLE CARMODY (*Taft*), 1910-1911 and 1911-1912.
- EDWARD J. HESS (*Webster*), 1912-1913.

CHAPTERS

Blackstone—Chicago-Kent College of Law, Chicago, Ill.
Story—De Paul University, Chicago, Ill.
Fuller—Northwestern University School of Law, Chicago, Ill.
Webster—Chicago Law School, Chicago, Ill.

(The foregoing chapters existed for several years under the fraternity name of Lambda Epsilon until reorganized as Phi Alpha Delta in 1902.)

Marshall—University of Chicago, Chicago, Ill., 1902.
Ryan—University of Wisconsin, Madison, Wis., 1904.
Magruder—University of Illinois, Champaign, Ill., 1904.
Campbell—University of Michigan, Ann Arbor, Mich., 1905.
Garland—University of Arkansas, Little Rock, Ark., 1906.
Hay—Western Reserve University, Cleveland, Ohio, 1906.
Benton—Kansas City Law School, Kansas City, Mo., 1907.
Capen—Illinois Wesleyan University, Bloomington, Ill., 1908.
Hammond—University of Iowa, Iowa City, Iowa, 1908.
Chase—Cincinnati Law School, Cincinnati, Ohio, 1908.
Williams—University of Oregon, Portland, Ore., 1908.
Rapallo—New York University, New York City, N. Y., 1909.
Lawson—University of Missouri, Columbia, Mo., 1909.
Taft—Georgetown University, Washington, D. C., 1909.
Calhoun—Yale University, New Haven, Conn., 1909.
Green—University of Kansas, Lawrence, Kan., 1909.
Jefferson—University of Virginia, University, Va., 1910.
Gunter—University of Colorado, Boulder, Colo., 1910.
Hamlin—University of Maine, Bangor, Me., 1910.
Corliss—University of North Dakota, Grand Forks, N. D., 1911.
Ross—University of Southern California, Los Angeles, Cal., 1911.
Holmes—Leland Stanford, Jr. University, Stanford University, Cal., 1911.
Temple—University of California, San Francisco, Cal., 1911.
Staples—Washington and Lee University, Lexington, Va., 1912.
Hughes—Denver University, Denver, Colo., 1913.

ALUMNI CHAPTERS

The Alumni Chapter of Chicago, Ill., 1911.
The Alumni Chapter of Portland, Ore., 1911.
The Alumni Chapter of New York City, N. Y., 1911.
The Alumni Chapter of Washington, D. C., 1911.
The Alumni Chapter of Kansas City, Mo., 1912.
The Alumni Chapter of Los Angeles, Cal., 1912.
The Alumni Chapter of Cincinnati, Ohio, 1912.
The Alumni Chapter of Cleveland, Ohio, 1913.
The Alumni Chapter of Grand Forks, N. D., 1913.
The Alumni Chapter of San Francisco, Cal., 1913.

(All other organizations of Alumni members are alumni "associations," not chartered by the Fraternity.)

ANNOUNCEMENT OF THE FIFTEENTH CONVENTION OF PHI ALPHA DELTA LAW FRATERNITY

The Fourteenth Convention of this Fraternity having adjourned *sine die*, the Supreme Executive Board hereby fixes Friday and Saturday, June 26th and 27th, next, as the date of the next, the Fifteenth Convention, to be held in the City of Chicago.

Details are not yet arranged but delegates should at once address Edgar A. Jonas, 1313 Fort Dearborn Bldg., Chicago, Illinois, advising him as to their address on June 1st, next. Reservations should be made by addressing Brother Jonas who will refer them to the proper committee. Certain unforeseen events have made it impossible to hold this Convention in Kansas City as originally planned.

In this connection the attention of chapters and delegates is again called to the emergency amendment passed by the Supreme Executive Board, providing that only one-half the expenses of one delegate will be paid by the Board to this Convention. Also that all delegates bring as part of their credentials vouchers showing payment to the Board of all fees and taxes.

Alumni are urged to attend. Programs and details of the Convention will be mailed alumni by the publicity committee.

PHI ALPHA DELTA QUARTERLY

VOL. VII

JUNE, 1914

NO. 3

JOHN MARSHALL

(Address delivered by Judge Charles A. Pollock, LL.D., of Fargo, North Dakota, before the law students of the University at Grand Forks, April 3, 1914.)

"Great events and great men are the fixed points and the peaks of history."

(GUISOT)

We are told that, "at the western front of the Capitol at Washington stands a bronze statue. Its size is heroic. It represents a jurist wearing the robe of his office and in the act of delivering a judgment. Three qualities are pictured in the countenance—strength, dignity, and gentleness. Upon the granite pedestal beneath are written these words: 'John Marshall, Chief Justice of the United States. Erected by the bar and the Congress of the United States, A. D. 1884.'"

Why was this statue erected? What meaning to this country this lifeless image of one who outlived for a few years the time allotted to him by nature, only in due season, like others, to be gathered to his fathers? Why discuss the achievements of this one who on February 4, 1801, assumed the responsibilities of a civic position equalled by none other in the civilized world?

Let the answers to these questions be our apology for addressing you at this time.

Washington, when taking his seat as President, April 30, 1789, told both branches of Congress duly assembled, that

"The preservation of liberty and the destiny of the Republican model of government are justly considered as deeply, perhaps as finally, staked on the experiment entrusted to the American people."

If this statement be true, how all important it became that in the formative period of the government its principal judicial pilot was one of whom it might truthfully be said, "His youth was engaged in the arduous enterprises of the Revolution, his manhood assisted in framing and supporting the Constitution and his maturer years have been devoted to the task of unfolding its powers and illustrating its principles."

In the preface to that somewhat famous novel called the "Sky Pilot," the author says, "The measure of a man's power to help his brother is the measure of the love in the heart of him and of the faith he has that at last the good will win."

A study of the life and deeds of him of whom we speak, convinces that Ralph Connor touched a chord which is found to vibrate not only in the lives of that grosser humanity he pictures to have existed beneath the foothills of the Rockies, but also is found among those dwellers at the very heart of the nation who by the wisdom of the powers that be have been called to guide our ship of state over the stormy paths of the sea of time.

The limitations of the hour will not permit us to speak as we would. If by suggestion I can arrest your attention and direct your study to the life, character and times of this truly good and noble man all efforts in so doing will be fully repaid.

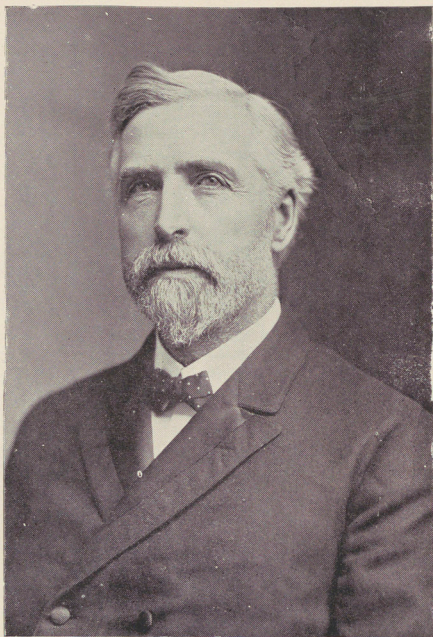
It was more than a coincidence that the Statue of John Marshall should be the handiwork of a son of his nearest and best associate and friend, Judge Story. It is from such intimate sources that we are permitted to gather the principal characteristics we now study: strength, dignity, gentleness. For what purpose did they exist? We are looking constantly for models. We tell our children, "Be like such an one." In school, from the pulpit and stump, people never tire hearing extolled the excellent qualities of Washington and Lincoln. But what has been said of Marshall? If he was as great and good a man as either; if he did as much to uphold and defend the government under which we live, ought we not to place him before the rising generation in a position of equal prominence? Must we concede that the one who chances to be at the Executive helm during times of war, is thereby inherently greater than he who in times of apparent peace is found ever vigilant in guiding aright, thus preventing those disturbances which end only in strife and blood?

What think you would have been the result upon the reputation of Washington or Lincoln, if they had been called upon to serve their country at the head of the Executive as was John Marshall for a period of about 35 years not only the actual, but as well the conceded leader of the Judicial Department? I was surprised recently in talking with one of our teachers to hear her say that at a recent gathering in this state where some forty advanced pupils were being examined for higher grade work, only one person answered correctly this question: What soldier of the revolution; great lawyer, legislator and diplomat afterwards became Chief Justice of the Supreme Court?

May we ask you the same question and will you with me help to make answer thereto. Soldier, lawyer, legislator, diplomat, Chief Justice. Into what greater spheres of activity could a human being enter?

It may be that some of our friends will now be silently paraphrasing that scriptural statement "What good can come out of Nazareth," insert

(Continued on Page 53)



HON. CHARLES A. POLLOCK
Judge Third Judicial District, North Dakota. Honorary Member Corliss Chapter

CHAPTERS RESPONDING

CORLISS CHAPTER

This has been a very successful year for the Guy C. H. Corliss Chapter. Every man that has been initiated or pledged, has proved himself to be worthy of membership in the "greatest legal fraternity in America." We have been successful in everything we have attempted to accomplish. In the law school we have maintained our scholastic standing. Last year, according to the University bulletin published some months ago, Corliss Chapter of Phi Alpha Delta led all other national fraternities, both academic and professional, in scholarship. This year we bid to do better.

This year Corliss Chapter entered into the social life at North Dakota. On January 16 we gave a formal ball in the Knights of Columbus clubrooms here. This was the first formal this chapter has attempted to give, and it proved to be a success in every way, and was greatly enjoyed by all the brothers. It was unanimously voted to make the formal an annual occurrence. The following from the Society columns of the Grand Forks *Daily Herald* describes the party very well: "The members of Corliss Chapter, Phi Alpha Delta Law Fraternity gave their annual party last evening in the Knights of Columbus rooms, which were decorated for the occasion with the fraternity colors of purple and gold. The function was one of the handsomest of the social season, the parlors and reception rooms were made very attractive with large baskets and vases of flowers and ferns artistically arranged. The hours were from 8 to 11:30 o'clock and the university five-piece orchestra rendered the music. The programs were unique affairs of purple leather, with the fraternity monogram in gold letters. They contained the names of the patrons and patronesses and program of dances. The patrons and patronesses were President and Mrs. McVey and the mem-

bers of the law school faculty and their wives."

Since our last letter to the QUARTERLY the following have been pledged:

Mandius H. Snortland, Sharon, N. D.

John J. Mulready, Jamestown, N. D.

Fred W. Graff, Minneapolis, Minn.

Henry L. Duncombe, Grand Forks, N. D.

Finn Oyen, Fessenden, N. D.

Of the above Messrs. Graff and Snortland have been initiated into active membership.

During the year we had biweekly dinners which have proved very beneficial to the brothers. At these dinners we have had as guests the President of the University, the Dean of the Law school, all the members of the law faculty, and Judge Pollock of Fargo, N. D., an honorary member of this chapter.

The first number of the University of North Dakota Law School *Review* appeared in March of this year. The Editor-in-chief is Brother R. W. Cooley. Brothers Harry Cooper and Charles F. Peterson are associate editors.

Brother Harold P. Thomson of Ryan Chapter entered the Law School at North Dakota this semester and will get his LL.B. this spring.

Brother Oscar Preble, who was one of our delegates to the last convention, has been compelled to leave school, and is at present traveling for the Dickinson Brick Co. He expects to take the North Dakota Bar examinations June 2.

Brother H. W. Swenson has also left school this semester and accepted a position as cashier of the Bank of Southam. Brother Swenson will also return and take the Bar examination this spring.

Brother Loudon was the delegate of the North Dakota Civic Club to the National Convention of the Intercollegiate Civic League held in New York and Washington, D. C., early in April.

Brother Louden read a paper before the convention. He reports a most enjoyable time in the East.

Brother Templeton was one of the three North Dakota debaters who defeated the University of Manitoba in the International debate held at Winnipeg this winter.

Brother Thorvald Dahl, our retired justice, is captain of the N. D. track team this year.

Brother Olger G. Burtness, the present state's attorney of Grand Forks county, is a candidate for reelection this coming June, on the Republican ticket. He is opposed on the Democratic ticket by Brother J. F. T. O'Connor.

The following Brothers receive their LL.B. this spring and will take the State Bar examinations in June: Harry H. Cooper, John A. Stormon, Thorvald Dahl, Hjalmar W. Swenson, and Harold P. Thomson.

On April 18 the following new officers were installed to guide the destinies of Corliss Chapter for the ensuing year:

Justice—J. Earl McFadden.

Vice-justice—John C. Graham.

Clerk—Fred W. Graff.

Financial Secretary—Charles F. Peterson.

Treasurer—Albert L. Lindstrom.

Historian—Francis H. Templeton.

Marshal—Paul Ryan.

At the last meeting in March Brother Thorvald Dahl was elected delegate to the Fifteenth Convention, and Brother J. Earl McFadden was named as alternate.

Corliss Chapter extends greetings and best wishes to every chapter and to the fraternity as a whole.

JOHN A. STORMON,
Correspondent.

CAPEN CHAPTER

With the close of the school year in June, Capen Chapter will have completed the most successful year in its history. The chapter has included close to twenty men all year and has been composed of men who have "done

things" in the University. The outlook for next year is also very bright with only five men lost through graduation. The chapter recently gave a very delightful dancing party at the Bloomington club and a number of our alumni got back for the occasion.

The chapter is delighted to announce that Brother Maurice Zetterholm of Galesburg, a member of Magruder Chapter has affiliated with us and will come back next year to receive his degree.

Three new men have also been added since our last letter. The new members are Joseph Bunting of Secor, Ill., Everett Whightsell of Peotone, Ill., and Cecil Hudson of Saybrook.

Mr. Whightsell is a member of the Sigma Chi fraternity while Mr. Hudson is a member of the Tau Kappa Epsilon fraternity. They are the first general fraternity men taken in four years but both are excellent students and rank with the best fraternity men in college.

Both are a credit to our fraternity and are men who will make their mark in the world. This is Mr. Bunting's first year in the university.

Capen Chapter has done her share to keep Illinois Wesleyan in the front in the athletic world. Brothers Streeter, Callahan, Bush and Shirley were members of the football squad while Brothers Young, Bush and Hudson were on the basket ball squad.

Brother Young for the fourth season was picked as all-State forward after the big tournament here in March which Wesleyan won on the final night by drubbing their old rivals from Normal. Brother Elliott is on the track team and with Brothers Callahan and Young will endeavor to uphold our end of it on the varsity nine.

Our annual formal party is scheduled for the middle of May. Brother Dunn represented Wesleyan again in oratory and on the debate team.

The Chapter was very much pleased to get Brother Charles Markland back. He has been on the sick list for almost a year past but is now fully recovered.

The new officers of the fraternity are:



CAPEN CHAPTER

Justice—F. Harwood Young.

Vice-justice—J. Byron McCormick.

Clerk—Louis B. Bush.

Treasurer—William M. Alberts.

Marshal—Lester B. Fish.

Capen Chapter extends a hearty welcome to all visiting Phi Alpha Deltas who come to Bloomington.

We have enjoyed a number of visits from our alumni within the past two months. Brother McEvoy, one of the old pillars of this fraternity spent a month with us recently.

Brother Allphine of Green Chapter has been a frequent caller at our domicile all year. He has been on the road for a large wheat company and his headquarters have been in the vicinity.

Brother F. H. Young was recently honored by being initiated into the Sigma Chi fraternity at Wesleyan. When general fraternities are willing to take our men it shows something of our standing here in the community.

STAPLES CHAPTER

The pledging season is now at its height at Washington and Lee. So far we have pledged four men:

H. B. Glass, Lynchburg, Virginia.

L. B. Wales, Norfolk, Virginia.

W. S. Parkins, Middleburg, Virginia.

C. R. Beall, Hedgesville, W. Virginia.

With these, and other good men in view we feel that $\Phi A \Delta$ will not be found wanting in any particular at W. & L.

We take great pleasure in introducing to the fraternity at large Brother J. C. Hudson, of Norfolk, Virginia, who was initiated into $\Phi A \Delta$ just before Christmas.

We were fortunate to have six old men return this year, all of whom are doing work creditable to the chapter. Brother D. S. Bone was made vice-president of the Senior Law Class. Brother W. H. Cast, is business manager of the *Calyx*, the annual publication. Brother J. C. Hudson is assistant manager of the same. Brother W. G. Laughon is manager of the track team.

Brother J. N. Daniels is the assignment editor of the weekly paper, the *Ring Tum Phi*. Brother W. L. Hopkins was editor and manager of this year's directory of the students.

W. L. HOPKINS,
Clerk.

HAMMOND CHAPTER

Since the first of the year Hammond Chapter has had new quarters in Iowa City, and this move placed the fraternity in the best of its several fine locations since organization several years ago. The chapter is at 328 East Brown street in one of the prettiest resident sections of the town, and in one of the best and most suitable houses for fraternity purposes in the city. The new house has been the quarters and home of the chapter since the first of the year, the move having been started the day after New Years, so that everything was settled about the house before the opening of school after the holiday recess.

The home of Hammond Chapter is a large brick house, that has always been used as a private residence until Phi Alpha Delta secured it. It is a corner location as have been the three other homes that Phi Alpha Delta had before this one. There are seven rooms on the first floor, eight on the second, and a large attic that this summer will be divided into several suitable rooms. The yard is very attractive. The lawn is somewhat higher than the street level, as are several in that part of the city. Apple, plum, and cherry trees, that are now in blossom, are dotted about the yard. In addition there are many plants, and flowers. An evergreen hedge separated the yard from the walk on the east side.

The move from the former very desirable location the first of the year resulted from slight altercations with the former landlord over furnace repairs, and the necessity of an immediate move to prevent chilled toes and ears was necessary, for the furnace absolutely refused to work. A practical appli-

cation of the law in the matter of leases was furnished the men.

This year four seniors leave the house. This is quite a contrast with last year when ten graduated. So far in the history of Phi Alpha Delta the chapter has always boasted two members of Coif, the honorary legal fraternity. This year the prospects are good, and the chapter is anxiously awaiting the announcements that will soon be out. The members of the senior class are:

Dean Roller, North English, Iowa.

Clifford D. Moody, Nora Springs, Iowa.

Martin S. Turner, Emden, Mo.

Milton G. Gage, Justice, Sabula, Iowa.

Since the last letter Hammond Chapter has made a start at a house library, by purchasing a set of Iowa reports comprising 155 volumes. The alumni who contributed loyally helped to make this possible. A by-law has been added to the local chapter rules whereby each outgoing member from now on will pay a specified sum to make possible the addition of more books.

H. VAL. HARN.

GREEN CHAPTER

With the year of 1913-1914 almost at a close, Green Chapter of Phi Alpha Delta is able to report one of the most successful years found in its history.

With twenty-one men to open the year, all was well from the start. However the chapter soon gave several smokers for the junior class and after a careful study of its members the following men were chosen for Phi Alpha Delta material; Paul Ross, Harold Branine, Raimon Walters, Kirke Dale, Willis Calkins, Roland Boynton, Clement Reed, William Waugh, Arthur Hoffman, Neil Cline, and Geo. H. Stone. Warren J. Meyers and J. H. Curran were also selected from the middle class.

The chapter was very fortunate this year in pledging as an honorary member Judge C. A. Smart of the 4th Judicial District. A banquet was held at

the time of his initiation and the Judge favored the chapter with an excellent speech.

The Annual Founders' Day Banquet was given this year at the Hotel Eldridge, April 21 at eight p. m. Brother Howard T. Hill who was transferred to us this year from Marshall Chapter was toastmaster and handled the program in a very excellent manner. The following toasts were responded to:

Prof. H. W. Humble—Phi Alpha Delta and the Class Room.

Alva F. Lindsay—Class of 1913-14.

J. B. Wilson—J. P.

Harry Allphin—Alumni.

E. Cecil Colin—The Acts of the Active Chapter.

Hugh Adair—Alumni.

J. J. Riling—Phi Alpha Delta and the Bar.

Geo. H. Stone—Phi Alpha Delta Juniors.

E. E. Brookens—Briefs.

J. H. Loos—Benton Chapter.

G. Dean McElhenny—Money, Marks, and Minds.

Judge C. A. Smart—Phi Alpha Delta and the Bench.

Dean James Wood Green—"My Boys."

In Scholarship, Politics, and Athletics the organization has been exceptionally successful this year. Out of the thirty-five fraternities and sororities maintaining houses at the university Phi Alpha Delta stood at the top, leading our rival fraternity, Phi Delta Phi, by two per cent. Although Green Chapter has never taken men because of political reasons yet this year we find the following offices filled by our members:

Guy Von Schriltz—Manager 1914 *Jayhawker* (Annual).

Frank Miller—Student Council.

Roderick Reid—Student Day Speaker.

Neil Cline—Treasurer Sophomore Class and Sec'y of Junior Law Class.

Arthur Hoffman—Pres. Junior Law Class.

In Athletics the chapter has one K man this year in the person of E. W. Davis who is one of the best quarter

milers in the Missouri Valley. Brothers Ross, Fairchild, Curran, Reed, and Calkins took part in football last fall while Brothers Walters, Kent and Branine played on the College Basket Ball Team.

The following officers have been elected for the ensuing year:

Justice—G. Dean McElhenny.

Vice-justice—Willis H. Calkins.

Treasurer—J. S. E. Kent.

Financial Sec'y—Raimon G. Walters.

Clerk—Paul Ross.

PAUL ROSS,
Correspondent.

TEMPLE CHAPTER

Jackson Temple Chapter has had a most successful year up to the present time. The eastern brothers may be interested to know that we have been most active and have had several large social events.

On December 5 last, we initiated eight new members, elected to honorary membership Associate Justice John E. Richards of the District Court of Appeal, and organized an Alumni Chapter at a banquet at the Fairmont Hotel in this city. Seven of the eight initiates were from the junior men of Hastings College of the Law, and one from the Department of Jurisprudence at Berkeley.

It was a night that will long be recalled by the brothers as the most brilliant and largely attended of any of our numerous social functions and a milestone in the progress of our chapter.

The evening opened with the organization of an Alumni Chapter, with George Stewart (Chicago, '08), justice; Ignatius Peckham (Stanford, '12), vice-justice; financial secretary, Fred Bertram Wood (Stanford, '12); treasurer, Chauncey Eldridge (Hastings, '13); clerk, Emil Hoerschner (Hastings, '12); marshal, A. F. Patterson (Hastings, '13).

The organization of the Alumni Chapter was followed by the reception as an honorary member of Hon. John E. Richards (Michigan, '75), Associate

Justice of the District Court of Appeal, First District.

Then followed the initiation of eight candidates. Those upon whom the choice of the fraternity had fallen were: David P. Howells, Sam Snead, Benton Tyndall, Thomas J. Horan, Robert M. Tapscott, William M. Vogel and Warren V. Tryon, of Hastings '16, and Adolph Postel, of Berkeley, '16.

Following the black coffee came the remarks, denominated "Inflections" on the program, but not so by any means. Thomas B. Dozier, Jr., presided as toastmaster. Eric G. Scudder, one of the founders and first justice of the chapter, welcomed the initiates and members as brothers; the initiates responded with sentiments of fealty to the fraternity and pledges to uphold the ideals; George Stewart outlined the purpose and influence of "The Alumni Association"; Fred Bertram Wood, spoke of the "The Stanford Chapter;" A. F. Patterson's subject was the "Phi Alpha Delta Convention, 1915;" John W. Heaney, delegate to the Phi Alpha Delta Convention in Chicago last June, told of the inspiration of that gathering and of "The National Chapter," and Assistant United States Attorney Walter E. Hettman spoke on "The Alumni in Practice."

"Ideals" was the subject of the eloquent and inspiring address of Judge Richards, which climaxed the program of the evening.

The many brothers who are practicing law throughout this state and many from the chapters of Phi Alpha Delta were in attendance almost to a man. When the jovial crowd disbanded there was a general feeling of good fellowship to mention nothing of the discomforts of a gastronomist which were also in evidence.

On the 12th of last month a holiday having been declared at Hastings, the brothers were enabled to plan a little outing for the day. It was decided that we take a hike from Mill Valley (which is one of our treasured Califor-

nia garden spots) across a virgin country of flowing green foothills and shaded valleys to the Pacific about eight miles distant. The hour appointed for meeting was 8.00 a. m. at the Ferry station and the brothers responded in a body equipped with knapsacks, guns and kodaks. It was a bright and beautiful day. A trip across San Francisco Bay and a short trolley trip and we were at Mill Valley. The hike over consumed about two hours and upon arriving at the beach a camp was made and a large fire built. The day was spent in taking pictures, bathing, hunting and getting sunburned. About noon the knapsacks were raided and a real picnic lunch was spread. The brothers then divided into two sections, the first of which essayed the return trip in the late afternoon, the second and more adventurous remaining for supper and the moon to come up when with its aid they could follow the homeward trail.

Incidentally, for a few days following those who had enjoyed the back-to-nature part of the day's sport emphatically refused to be touched or patted on the backs even by a brother. This is the first recorded instance of a $\Phi \Delta \Delta$ brother refusing to be patted on the back. They have always refused to be touched.

THOMAS B. DOZIER, Jr.

Justice.

BLACKSTONE CHAPTER

Success and harmony have been the prime associates of Blackstone Chapter from the beginning of the present school year to the present time, covering a period commencing with the moving of Blackstone Chapter into the new joint fraternity house at 200 E. Erie Street, Chicago, Illinois, in May 1913, down to the Annual Joint Chapter Banquet held at the Hotel La Salle on April 18, 1914.

With the opening of Chicago-Kent College of Law in September, and with fifteen active men in school, preparations were made for an early campaign

to select the best and most desirable material from the freshman class. Due to the coöperation and active service of all the members of Blackstone Chapter our rushing season was one of one of the most successful ever carried on. After a series of four or five smokers and luncheons, which were given at the fraternity house, our efforts were rewarded with the pledging of the following brothers, who were duly initiated on December 6, 1913. The initiation was followed by a banquet at the Hotel La Salle, at which First Supreme Vice-justice, Brother A. Jones, was the principal speaker.

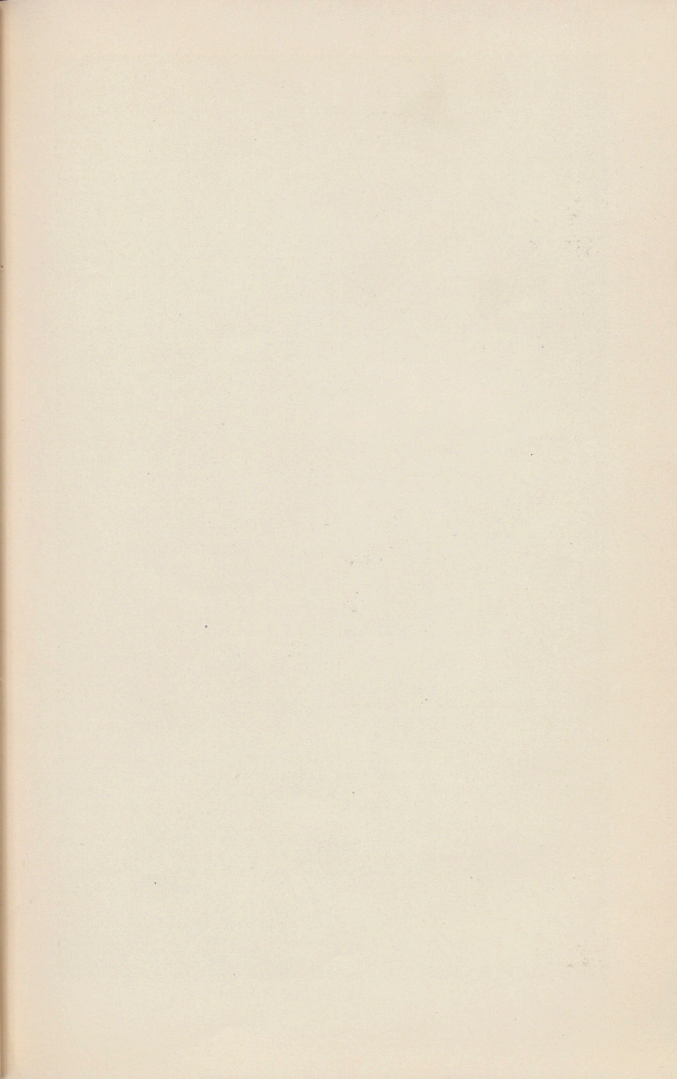
Those initiated on December 6, 1913, were Brothers R. E. Adamson, A. J. Freese, R. J. Friss, E. J. Garey, B. Gissel, A. Hahn, L. E. Megowen, F. J. Murnighan, A. J. Newman.

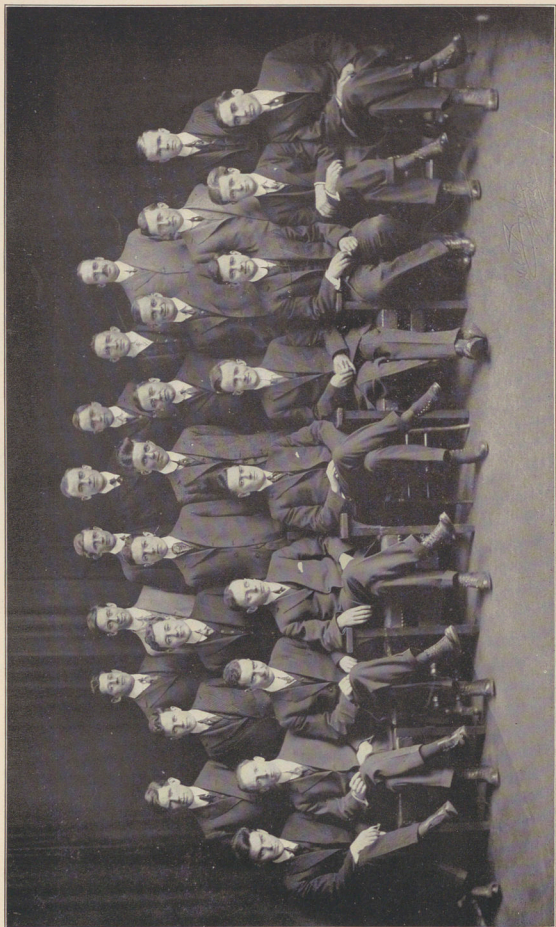
During the month of March a series of mid-year smokers was given resulting in the pledging of the following five new members: Geo. Tormoehlen, James F. Oakey, H. M. Andrews, H. H. McNeil, T. Cochren.

These men were initiated on the afternoon of April 18, 1914, and as full-fledged $\Phi \Delta \Delta$'s were invited as guests of Blackstone Chapter to attend the Honorary initiation and Annual Joint Chapter Banquet, given by Blackstone, Fuller, Marshall, Story and Webster Chapters, which was held in the East Room of the Hotel La Salle, at which the Honorable Kickham Scanlan, Judge of the Circuit Court of Cook county, Illinois, was initiated as an honorary member into Blackstone Chapter, the oath being administered by Justice Geo. F. Nelson.

At this function the chief speaker of the evening was the Honorable B. M. Chipfield of Magruder Chapter, who gave one of the finest speeches ever delivered at a $\Phi \Delta \Delta$ banquet.

Other prominent persons present were the Honorable Marcus Kavanagh of Webster Chapter, Honorable John P. McGoorty of Blackstone Chapter, Honorable A. J. Petit, Chief Justice of the





WEBSTER CHAPTER

Circuit Court of Illinois, Webster Chapter, and Mr. Bigelow, Professor of Real Property at Chicago University, Marshall Chapter.

On May 8, 1914, Blackstone Chapter held its annual formal promenade and dancing party in the Florentine Room of the Congress Hotel.

The members of Blackstone Chapter send their greetings and best wishes to all other Chapters in Phi Alpha Delta.

FRED E. PAESLER,
Correspondent.

WILLIAMS CHAPTER

This has been a banner year for Geo. H. Williams Chapter. Handicapped by the graduation of six members, but catching a vision of the true purpose of our fraternity and unlimited possibilities of a real live chapter therein, we began this year looking toward a glorious future for the pioneer chapter of the Pacific Coast.

We are not only pleased but proud to introduce to the Fraternity at large the following Brothers:

Leo G. Jones.
Henry W. Berg.
Ben Nordling.
Thos. H. Macguire.
Geo. W. McMath.
Robert S. McCarl.
Thos. E. Burns.

whom we consider the cream of our student body, and who endured the trials and tribulations of initiation and were escorted into the mysteries of Phi Alpha Delta.

With these new initiates we have a chapter of seventeen brothers, actually working out those principles which we love to say our Fraternity stands for. And while we expect to graduate nine this year, we have not forgotten the future but will leave a nucleus of eight, well grounded in the teachings of Phi Alpha Delta, to carry on the work next year.

The social functions of the fraternity have been noticeably well supported due

largely to the management of the committee in charge.

The Annual Banquet in commemoration of the birthday of Geo. H. Williams was a grand, rousing success. Covers were spread for thirty-five, including honorary and active members of the local chapter, and Phi Alpha Deltas from other chapters who are located in Portland and vicinity. Among the honorary members attending were Federal Judge C. E. Wolverton, Circuit Judge Robert G. Morrow, Alfred G. Schmitt, all from Geo. H. Williams Chapter, and Judge Guy C. H. Corliss, and Bardi G. Skulason from Corliss Chapter. It is most gratifying to have these honorary members present to give us a word of encouragement and advice.

Now that politics are brisk in Oregon, within the ranks of Phi Alpha Delta there are those who have aspirations to give forth something of service to society. Conrad P. Olson of Ryan Chapter and Frederick M. DeNeffe, Campbell, are out for election to the State Legislature and we wish them all possible success.

Geo. H. Williams Chapter is looking forward to 1915 as a time when we will have the pleasure of meeting more of the Phi Alpha Deltas than ever before. We are hoping the brothers, who are planning to attend the Convention in San Francisco, will not forget that Portland is still on the map and make their plans accordingly.

JOHN W. PETERS,
Historian.

WEBSTER CHAPTER

This is probably the first time Webster Chapter has contributed to the *QUARTERLY* in about two years. It would seem that we might be numbered among the "dead ones," but we are still very much alive, and have at this time one of the most active chapters in the fraternity.

We have held three initiations during the past school year, taking in fifteen men. The new members have been carefully picked and fully able to carry

the burdens of the chapter, that are about to be placed on their shoulders.

The chapter maintains, jointly with Blackstone Chapter, a house at 200 East Erie street, and extends an invitation to all visiting $\Phi \Delta \Delta$'s to pay us a visit, whenever in the City. The chapter holds its regular weekly meetings at the Union Restaurant, on Thursday evenings at 5:30, and would like to have any of the brothers who are passing through the city come up and get acquainted.

We have completed the arrangements for our annual chapter dance, which will be held in the first part of May at the Sherman Hotel. It is expected that we will maintain our record by making this dance the most successful one yet.

E. M. SCHMITT.

MAGRUDER CHAPTER

Since our last communication, Magruder Chapter has been quite active. On the evening of March 9 six men were initiated into the ranks of Phi Alpha Delta; and we cannot help but feel gratified over the character and ability of those men whom we welcomed into our midst at that time.

Our new members are:

- G. B. Reno, Browning, Illinois.
- E. R. Dillavow, Champaign, Illinois.
- S. R. Cunningham, Bismark, Illinois.
- M. C. Carson, Nashville, Illinois.
- F. A. Schoembs, Cairo, Illinois.
- R. G. Meyer, Flora, Illinois.

Since this initiation we have been working to build up Magruder Chapter quite as earnestly as before. We have been so successful as to pledge three more promising men:

- T. McGowan, Decatur, Illinois.
- D. H. Kasserman, Newton, Illinois.
- H. D. Albert, Mansfield, Illinois.

It is our plan to initiate these three pledges on April 18.

At the close of last school year our ranks were somewhat depleted due to the graduation of many seniors. We have now more than made up that loss, and, as we expect to lose only three men

by graduation this year, prospects for next year seem unusually bright.

Magruder Chapter gave their annual mid-year party on the evening of February 13; it is unnecessary to add that everybody enjoyed a most pleasant evening. A smoker was tendered the local chapter of Phi Delta Phi and the faculty of the College of Law at the chapter house on the evening of March 29. All present entered into the affair enthusiastically, thereby making it a complete success. Our annual Spring Dance will be held on May 1.

Magruder Chapter sends its very best wishes to all chapters of our fraternity.

ELLIOTT BILLMAN,
Clerk.

RAPALLO CHAPTER

Rapallo Chapter, although heavily handicapped by the expense of maintaining a large house in the vicinity of the University Building at Washington Square, has nevertheless come through the year safely. This is due mainly to the untiring efforts of the officers and several local alumni who have their rooms in the chapter house, 43 West Ninth Street. Rapallo's membership consists almost without exception of men holding positions in law offices or similarly employed in addition to their law studies. Notwithstanding the demands made upon their time the members have maintained an active interest in fraternity matters and the monthly meetings have been well attended.

The following members were initiated last fall:

Class of 1914.

Frederick Henry Pilch, LL.B., Bloomfield, N. J.

Class of 1916.

Henry Stuart Criswell, Shepherdstown, West Virginia.

William Sinclair Jack, Pawtucket, R.I.
Frederick Elmer King, Richmond Hill, New York.

Clarence Burton Lee, Fairmont, W. Virginia.

Cornelius C. Moore, Newport, R. I.

Edmund Addison Pratt, B.S., C.E.,
New York City.

Kenneth Montague Sturgis, M.A., New
York City.

The fifth annual banquet of the chapter was held at "Murray's" on February 21, 1914. The feature of this occasion was the presentation of a silver loving cup to ex-Supreme Justice, John Doyle Carmody, the guest of honor. Brother Carmody made a graceful speech of acceptance, emphasizing the nation-wide growth of Phi Alpha Delta and the opportunities for further development.

At the May meeting the following officers were elected for the ensuing year:

Justice—J. Vincent Barnitt, 1914,
Paterson, N. J.

Vice-justice—Noyes Bentley Cornell,
1915, New York City.

Treasurer—Charles Halla, 1915, New
York City.

Financial Secretary—Kenneth Montague Sturgis, 1916, New York City.

Clerk—James Ireland, 1915, Islip, New
York.

Marshal—Frederick Elmer King, 1916,
Richmond Hill, N. Y.

Chapter Correspondent—Cornelius C.
Moore, Newport, R. I.

The chapter extends to members of Phi Alpha Delta a cordial invitation to stop over at the chapter house whenever they are in New York. The present arrangements call for a change of location next fall to a site nearer the University. Notices of the removal will be sent later to all the chapters.

JAMES H. FERRIS,
Chapter Correspondent.

CHASE CHAPTER

The regular fall initiation of new members to Chase Chapter was held at the Blue Grass Inn in the Kentucky Highlands. Besides the alumni guests and the honorary members, Brother Jack Strudel of Taft Chapter was with us. The initiates were:

John P. Phillips, Chillicothe, Ohio.

Vernon Astler, Elmwood Pl., Cincinnati, Ohio.

L. Elmer Conway, Cincinnati.

F. E. Emminger, Cincinnati.

Walter S. Keith, Coffeyville, Kansas.

George E. Metcalf, Cincinnati.

Howard Urmston, Cincinnati.

Since then Benj. Harvey Dole, a member of Book and Gavel at Yale, has joined us and on April 30th at our annual joint banquet with the members of the Cincinnati Alumna Chapter we initiated Eugene Sullivan of Cincinnati.

On December 6 the chapter gave a dance for our friends in Cincinnati which was well attended and a success in every way. In February the senior members entertained the younger brothers at a bowling party. The spring banquet with the Cincinnati Alumni, an annual affair, was held at the Burnet House.

Officers for the next year are:

Justice—John P. Phillips, Jr.

Vice-justice—Vernon Astler.

Clerk—J. W. Morris, Jr.

Treasurer—Benj. H. Dole.

Marshal—L. Elmer Conway.

Brothers Geo. B. Smith, and Howard Urmston will represent Chase Chapter at the Convention.

J. W. MORRIS, Jr.

Clerk.

BENTON CHAPTER

Thomas Hart Benton Chapter, at this time, presents a scene of toil, due to the fact that the school year is close at hand. The ardent aspirants for admission to the bar are nightly holding study meetings, while the undergraduates are preparing themselves for the final examinations.

On March 14, we held our annual banquet at the Baltimore Hotel, and the stunts that the committee presented to the gathering, were a source of great pleasure to all, with universal declarations, that it was the best ever. Green Chapter, as well as Lawson Chapter, were represented and well, as the spirit

they displayed added much to the success of our commemoration.

We are to hold an initiation Saturday evening, May 2, at the "Rooms," at which time five neophytes will be ushered into the mysteries of our fraternity.

The bi-monthly luncheons will be discontinued Saturday, May 11, as the warm weather tempts even fraternity social functions to cooler atmospheres, but with regret, when we look back and view the "good times" had at these seemingly trivial affairs.

For the benefit of visiting brothers, it might be well to announce, that our quarters are at 9th and Walnut, in the Ricksecker Building, and that when in town, we suggest that they call by telephone, and a worthy guide will direct them to our "hang-out" place, during the summer months.

Benton Chapter, also takes this opportunity to thank Green and Campbell Chapters for their kind invitations to the banquets held by them, and our sincerest fraternal regards to all our sister chapters.

JOHN NAGLE,
Clerk.

JOHN C. CALHOUN CHAPTER

In the last chapter letter a short announcement was made of the affiliation of the John C. Calhoun Chapter with the Book and Gavel Society of the Yale Law School. The assimilation has been completed in every detail and the plan is working very well. The Book and Gavel Society was founded by the members of the class of 1890 and was a local organization, entirely devoid of national features. During its prosperous career of more than twenty years, it sent out to all parts of the country a body of nearly three hundred alumni, many of whom have since attained prominence in the legal profession. To a chapter so recently established as ours, the addition of a large number of Yale Alumni cannot fail to prove of material advantage, not only by assuring our position in

the life of the University, but also by increasing, to no small degree, the strength of the national organization. Of far more importance is the fact that the aims of both societies have been so nearly identical; a circumstance which promises, as a result of the union, a greater success in working out the purposes for which both exist.

Feeling that we should bring the members from other colleges into closer touch with the Yale life and the Yale point of view, a plan was adopted in the fall, of inviting various members of the university faculty to take dinner with us at the house and speak to us afterward on subjects which would be of mutual interest. In accordance with the general spirit of the fraternity, we have invited non-fraternity members of the Law School and members of the Academic Senior Class to these talks in order that they too might enjoy the opportunities which this plan presented. The talks have proved so interesting and instructive, and have played so important a part in the life of the chapter during the present year, that we feel justified in planning to incorporate them as a permanent feature into our fraternity life.

On the evening of April 27 we had the pleasure of hearing Professor Taft give a very interesting talk at the house. The purpose of the meeting was to interest academic seniors and juniors of the college in the Law School. About seventy-five who are contemplating taking law at Yale, attended. Other speakers who gave very interesting talks were Judge Rogers, Dean of the Yale Law School; Secretary Stokes of the university; Professor Corbin of the Law faculty. The formal meeting was followed by a social hour of chat and cigars. The entire affair proved very successful.

The annual banquet of the chapter occurred on the evening of the eighteenth of April. It was held in the President's room in Memorial Hall. A number of the alumni were present at

the affair and it proved a most enjoyable evening.

On Friday, May the first, we entertained at an informal dancing party at the house. All present had such a pleasant time that we are to have another dance in the near future.

The result of the balloting for the selection of delegate and alternate to the coming Convention of the fraternity was unanimous in favor of Brother Benton Baker as delegate, and Brother William Wilkin as alternate.

The billiard room in the house has been put in good shape. The billiard enthusiasts take a great deal of interest in the pastime. Some very exciting tournaments have been played lately. The reason for the renewed interest in the game here is that we have recently acquired a new table.

Brother George Sturgis of the class of 1908, has recently been elected the National President of the fraternity of Theta Nu Epsilon.

In the Townsend Prize Contest we are to be represented by Brother Cotton. The result of the Wayland Prize contest in the Kent Club gave us the honor of having two more prize winners in the chapter. The honored members are Brothers Harno and Buzzell.

Calhoun chapter regrets to announce the death of Brother Harry P. Mayer. His death occurred in Indianapolis, Ind., on April 26 as the result of an automobile accident. Brother Mayer attended the Indiana University and the Michigan Law School. He was later graduated from the Yale Law School with the class of 1912. After leaving Yale, he located in Indianapolis, and though only twenty-three years of age at the time of his death, he was filling the position of Assistant City Attorney with credit to himself and to the administration which appointed him.

The following brothers will be graduated with the class of 1914: Brothers Harno, Steelman, Kelly, Hodges, Duncan, Cotton, Brockhoff and Wolon.

Brother Buzzell is at present working on the annual publication of the chapter known as *Calhoun Affairs*, and he expects to finish it in a few days.

Calhoun Chapter announces the election of George Freeman Turner, of Short Beach, Conn.; James Loudon Boone of Caldwell, Idaho; David Sholtz, Daytona, Florida; and Thomas Wallace, 3d, of New Haven, Conn.

FRED J. BROCKHOFF,
Cor. Sec'y.

EDITORIALLY

WE STAND NOT ALONE.

That the official publication of Phi Alpha Delta, its QUARTERLY, is not adequately supported, is a threadbare wail from this office. But now comes Greek Cloud, who in an editorial in the February issue of the *Delta Chi Quarterly*, after lamenting the lack of support to the organ in Delta Chi, says that "beginning with the issue of May 1st he will cut his coat to fit his cloth, and the *Quarterly* will be trimmed and cheapened to the point where it can be paid for each time it is issued by the amount of money which the editor can actually count on receiving." To which we observe, *semper idem*.

THE CAMPBELL NEWS-LETTER

The QUARTERLY is in receipt of the annual News-Letter of Campbell Chapter. Aside from being entertaining even to the non-Campbellite, it contains a wealth of material of especial value to the alumni. A list of alumni members with their present addresses, chapter officers and standing committees is given. The effort is dedicated to Brother Howard H. Servis in appreciation of his untiring efforts in behalf of the Chapter's new home.

ABOUT THE PROPOSED LEGISLATION.

The attention of every member is directed to the emergency measure adopted by the Supreme Executive Board at its last meeting, elsewhere in this issue. This action is an imperative necessity. It has its significance. A national order cannot be maintained under a system devised for a local fraternity. Phi Alpha Delta must take some steps to provide necessary funds for its enlarged existence. The time has come for discarding the old system of maintenance and making a readjustment of its revenues. Read the province division amendment proposed carefully. Think and suggest.

OUR FOURTH QUARTERLY

The fourth number of this volume of the QUARTERLY will be published in early October and will be sent to all persons who are subscribers for the volume. This will answer the many inquiries to this Office as to a fourth number this year. This number will contain the Official Convention Report.

Φ A Δ's IN THE HEADLINES

When one can pick up a metropolitan paper and find the names of four of his Φ A Δ brothers in its headlines it ought to impress him with the standing of the Order with which he has identified himself. A few days ago we were thus impressed when we learned in this manner that Brothers Carmody, Hess and Jonas were engaged in thrashing out a final phase of the famous

"brick trust case" in Chicago and that Brother Chester Pendleton (Hay) was certain of receiving the Democratic nomination for Prosecuting Attorney at Findlay, O., following in the footsteps of his father, Hon. George F. Pendleton, who held the office for many years.

AN APPRECIATION

It has been particularly gratifying to the Office of the Editor-in-Chief to note during the past few months the great interest active chapters are taking in the *QUARTERLY*. Never before has such concern been manifested. Alumni, too, have responded oftener and at greater length than heretofore. All of which is greatly appreciated. Many photos were received after the forms had closed. These will, with permission, be retained and inserted in the next number.

TWO NEW CHAPTERS FOR PHI ALPHA DELTA

Two new chapters will respond to roll call at the Fifteenth Convention. One in the law department at the University of Kentucky and the other in the law department at the University of Idaho.

The Kentucky chapter will be installed by Brothers Conger G. Roads, Supreme Recorder, and George J. Herold on Saturday evening, May 16.

The Idaho chapter will be installed on Monday evening, May 25, at Moscow, Idaho, by Brothers Lyman P. Wilson and Oscar W. Hoberg.

Owing to the forms for the *QUARTERLY* closing before the details of these installations were arranged for complete accounts are necessarily reserved for the next regular issue.

PHI ALPHA DELTA QUARTERLY

The PHI ALPHA DELTA QUARTERLY is published at Menasha, Wisconsin, on the first of December, March, June, and October, by George Banta, official publisher for the Phi Alpha Delta Law Fraternity.

Subscription price, \$1.00 per year in advance.

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ACKNOWLEDGMENTS

LEGAL

Albert S. and John S. Marley as Marley & Marley, with offices at 911-14 Scarritt Building, Kansas City, Mo.

George C. Peacock and Oscar P. Grischy as Peacock & Grischy, with offices at 2505 Union Central Building, Cincinnati, O.

A. L. Blanchard and Charles B. Adams as Blanchard & Adams, with offices at 517-518-519 Eastern Trust Bldg., Bangor, Maine.

Removal, Waldemar C. Wehe law

offices to Suite 800-2 First National Bank Building, Milwaukee.

MARRIAGES

Miss Elizabeth Annice Thompson to Brother Roger Wayne Wallace on March 28, at Indianapolis.

SOCIAL

Annual Banquet, Campbell Chapter, Phi Alpha Delta, Friday, April 18, 1914, Ann Arbor.

Annual dancing party, Magruder Chapter, Phi Alpha Delta, Friday, February 13, 1914, Champaign.

THE PROVINCE DIVISION AMENDMENT

All active members are requested to read the following proposed amendment with great care. The same will be considered at the next Convention for action. The amendment as proposed has been drafted with considerable detail so that every possible feature should be presented, although it is expected by the Board, with whom the amendment origi-

nates, by direction of the Fourteenth Convention, that some of the provisions may not be favored. It was thought that rather than rewrite the whole Article of the Constitution relating to the Convention, it would be desirable to leave all former matters stand, so that questions of interpretation would not have to be again decided.

THE EMERGENCY AMENDMENT

The attention of Chapters is hereby again called to the emergency amendment passed by the Supreme Executive Board at its last meeting. The Fraternity will pay only one-half the mileage and hotel expenses of one delegate to the Fifteenth Convention. As previously stated the reason for this measure is the increased cost of the Sixteenth Convention on the Pacific Coast next

year and the increased cost of the administration of Fraternity affairs. Where chapters are represented by one delegate he will have two votes on each question. This move indicates the necessity of increased revenue for the administration of Fraternity affairs and the argument in favor of the Province Amendment proposed.

AMENDMENTS TO ARTICLE V. OF THE CONSTITUTION OF PHI
ALPHA DELTA LAW FRATERNITY, PROPOSED AND SUB-
MITTED TO CHAPTERS BY THE SUPREME EXECU-
TIVE BOARD OF SAID FRATERNITY BY DI-
RECTION OF THE FOURTEENTH
CONVENTION

Section 17: That after the Sixteenth Convention of the Fraternity in 1915, the Convention shall be held biannually in the odd numbered years, provided, however, that all the laws, rules, regulations and provisions of this Constitution pertaining to the annual Convention, in so far as they do not conflict with this change, shall remain in full force and effect unaltered, until amended in the usual manner, and that the Supreme Executive Board of the Fraternity shall have the full power to prescribe rules and regulations in lieu of any conflicting rules and regulations, until the biannual Convention, by amendment, shall expressly remedy any such conflict.

Section 18: That for the purpose of facilitating the administration of Fraternity affairs and promoting a more intimate bond of fellowship between active and alumni chapters in close proximity to one another, than has heretofore existed, the chapters shall be placed and divided into nine provinces with reference to the geographical location of such chapters. That the provinces shall be thereafter known and designated as: the North Eastern; the North Central; the North Western; the East Central; the Mid Central; the West Central; the South Eastern; the South Central; and the South Western, such division to take effect as provided in Section 19, hereof.

Section 19: That on the first day of October, 1915, and on the first day of October of each odd numbered year thereafter, the Supreme Executive Board of the Fraternity shall prescribe and designate the geographical confines of each province and the chapters to be contained therein for the ensuing year, and that the Supreme Justice of the Fraternity on each October 1st, in the odd

numbered years after the 1915 Convention, shall appoint a Moderator from among the active or alumni members within the province for which said Moderator shall act, who shall hold office for one year or until his successor is appointed, (vacancies to be filled in a like manner, so far as practicable,) who shall be the chairman of the biannual caucus as provided for in Section 20 hereof, and whose duties shall be those of a chief executive of the province which he represents and the other duties in this article imposed, upon such Moderator. That an appointment signed by the Supreme Justice under the Seal of the Fraternity shall be authority to such Moderator for all purposes whatever, in the exercise of his office.

Section 20: That after the Sixteenth Convention in 1915 there shall be held biannually in the even numbered years a caucus at a time within the year and a place within the confines of the province to be designated by the Moderator of the province after at least 30 days' notice by prepaid mail to the Clerks of the various chapters within the province, of such time and place of holding such caucus.

Section 21: That each active chapter shall be entitled to two delegates and two alternates, and each alumni chapter one delegate and one alternate, to such caucus, whose expenses shall be paid by the chapter to which they are accredited in the caucus, and shall be elected by the various chapters at least ten days before the opening day of the caucus, in the same manner as delegates to the annual Convention have been heretofore elected. Provided, that where an active chapter is represented in the caucus by but one delegate he shall have two votes on all questions, and Provided, further, that a caucus may remain in

session for as long a time as the Moderator shall deem necessary for the completion of all matters properly before the caucus for action or consideration.

Section 22: That the jurisdiction of the caucus shall include the right of the caucus to prescribe for the chapters within the province provisions as to local matters, in so far as they do not conflict with this Constitution or express precedent of this Fraternity, as announced by its Supreme Executive Board or the Board of Tribunes, affecting qualification to membership in such chapters, dues and assessments or initiation fees going to such chapters, side degrees in the exemplification of the ritual and other like matters purely local in their effect. Provided, however, that the caucus is not hereby given any of the powers or authority formerly vested in the annual convention and hereafter to be vested in the biannual Convention, except such powers or authority as is in this article given the caucus or may hereafter be given the caucus by the biannual Convention by amendment to the Constitution.

Section 23: That the caucus shall be permitted to formulate and submit for the approval of the biannual Convention amendments to the Constitution and resolutions, proposed, as the various chapters now have a right to do, provided, however, that nothing herein shall be construed to abridge such right of the chapters to formulate and submit amendments to the Constitution and resolutions, as is now provided, and provided further, that when a caucus shall submit a proposed amendment or resolution it need not be submitted to the various chapters by mail, as is the case with the active chapters, if, within thirty (30) days after the adjournment of the caucus the Moderator shall certify two duplicate copies of such proposed amendment or resolution to the Supreme Recorder, who shall cause a copy thereof to be sent to the Editor-in-Chief of the *QUARTERLY* for publication in the next number thereof, and such publication

shall be sufficient submission to the chapters to entitle the biannual Convention's taking action on such amendment or resolution, so certified, and it is hereby made the duties of the Moderator, Supreme Recorder and Editor-in-Chief, respectively, to carry out this section.

Section 24: It shall be the duty of the caucus to report to the biannual Convention all violations of the Constitution among chapters or members within the province for which it is held, as well as the inactivity of chapters within the geographical confines of the province, in the manner provided in Section 25 of this article.

Section 25: That the Moderator shall before the opening of the caucus appoint a secretary of the caucus who shall keep accurate and legible notes of the acts and doings of the caucus, and who shall be a member of a chapter within the province. The Moderator shall examine such notes and if found by him true and accurate he shall so certify two duplicate copies of them to the Supreme Recorder of the Fraternity, within thirty days after the caucus adjourns, and the Supreme Recorder shall immediately send one of such copies to the Editor-in-Chief of the Fraternity for publication in the *QUARTERLY*.

Section 26: That the cost of holding the caucus aside from the expenses of delegates, (as provided for in Section 21 of this article), shall be met by an equal division of the same among the various chapters in the province, either after or in advance of the holding of the caucus as the Moderator may deem best.

Section 27: That the Supreme Executive Board of the Fraternity shall in each even numbered year, as soon after the fifteenth day of January thereof as is practical, and after the Sixteenth Convention, cause the Supreme Treasurer to remit to each Moderator a sum sufficient to defray such office expenses as postage, stationery, etc.

Section 28: That delegates to the

caucus shall present to the Moderator at least five days before the opening of the caucus either in person or by pre-paid mail the same credentials as were required of delegates to the annual Convention. That such credentials shall be sent by the Moderator not later than thirty days after the caucus shall have adjourned to the Supreme Recorder of the Fraternity, who with the Supreme Treasurer shall examine the same before the next biannual Convention, and if they, or either of them, shall find any false statements in said credentials, they shall report the same to the Chairman of the next biannual Convention at the time credentials are there taken and in the discretion of such chairman any chapter having made a false statement in their credentials to the caucus, may be refused representation in the biannual

Convention, provided, however, nothing herein shall be construed to mean that the Moderator may not refuse representation to chapters in caucus which present insufficient or false credentials.

Section 29: That whenever a caucus shall by a two-thirds vote endorse a petitioning chapter and report such endorsement as provided in Section 25 of this Article there need be no investigation of such chapter as provided by Section 1 of Article VII of this Constitution, provided, however, that nothing herein shall be construed to mean that the other provisions now applicable to petitioning chapters are dispensed with by reason of this section.

Section 30: Subject to the rules and regulations in this Article prescribed the caucus shall be conducted in conformity to Robert's Rules of Order.

FRATERNITY NOTES

The following list of honorary members has been added to the Fraternity since the last meeting of the Supreme Executive Board:—

Garland Chapter:

Judge George W. Hays, Camden, Ark.—at the present time Governor of Arkansas.

Judge Jesse C. Hart, Associate Justice of the Supreme Court of Arkansas.

Frank Smith, Marion, Ark.—at the present time Associate Justice of the Supreme Court of Arkansas.

Hughes Chapter:

Thomas Ward, Jr.—ex-congressman.

Professors Danforth, Ferguson, Peete, Hutton and Jaffa—all Professors of the University of Denver.

Mr. Tully Scott of the Supreme Court of Colorado.

Mr. Twitchell, prominent Attorney of Colorado.

Mr. Harry Hawkins, Mr. Dorsey, Mr. Thomas Woodrow—likewise prominent Attorneys of Colorado.

Blackstone Chapter:— Hon. Kickham Scanlan.

On April 15 one hundred and eighty-two initiations had been reported to the Board for this year.

CHICAGO ANNUAL JOINT CHAPTER BANQUET

The annual joint Chapter banquet of the Chicago Chapters of Phi Alpha Delta was held, Saturday evening, April 18, 1914, at the Hotel La Salle. Quite a large number of the active members and alumni turned out for the occasion. Brother B. M. Chipfield of Magruder

Chapter was the chief speaker of the evening. Judge Kickham Scanlan, of the Circuit Court of Cook County, was an honorary initiate of Blackstone Chapter. Judges Kavanaugh, Petit, and McGoorty were among the other speakers.

PACIFIC COAST CHAPTERS IN JOINT FUNCTIONS

Twenty Stanford law students, members of Holmes Chapter of Phi Alpha Delta Law Fraternity, journeyed from Palo Alto Friday evening, March 20, to be the guests of Temple Chapter of the University of California at a sumptuous banquet served at the Portola-Louvre and a box party at the Orpheum Theater. In addition to the active members of the two chapters, a large number of alumni from all parts of the United States participated in the festivities.

The banquet commenced promptly at six o'clock, and was made interesting by spicy toasts responded to by the Stanford guests. In addition to the toasts, several speakers from both chapters emphasized the serious side of the

fraternity, and the necessity of active co-operation between students and alumni in all parts of the United States to carry out the ideals of the fraternity in the uplift of legal preparation and practice.

There was also serious discussion concerning the great 1915 convention of Phi Alpha Delta to be held in San Francisco, the main responsibility for success of which will rest upon the chapter at Stanford and the University of California.

Similar joint functions will be held from time to time during the coming months, and joint committees to administer the plans for the convention in 1915 will commence work at once.

GREEKS AS RHODES SCHOLARS

"Out of forty recently-elected Rhodes scholars, thirteen at least are fraternity men. It may be that more of the honored scholars are Greeks, as some of the biographical sketches were very brief.

"Since the Rhodes scholarships are the highest scholastic honor to be obtained by American youth, this splendid showing of fraternity men will prove quite a setback to the opponents of the fraternity system who maintain that fraternity membership is inimical to scholarship.

"Of the twenty-seven 'other' Rhodes scholars, not mentioned below, it is possible that some are fraternity men, while others might have been had they not graduated from institutions where there were no fraternities.

"The honored fraternities are as follows: Phi Gamma Delta, 2 men; Delta-Upsilon, 2 men; Kappa-Alpha, 2 men; Alpha Delta Phi, 2 men; Psi-Upsilon, Delta Kappa Epsilon, Beta Theta Pi, Phi Alpha Delta, and Alpha Tau Omega, 1 man each."—*The Phi Gamma Delta*.

(Continued from Page 34)

ing the words "legal profession" for the word Nazareth. But be not deceived, my friends, I have known men so related to even the clergy by birth and marriage that while they performed the ministerial calling, were compelled to go into the law business to bring a little respectability into the family.

Generally it matters not so much when or where a man is born, as that he be well-born.

Accident alone will not make men great, if they do not possess the spirit to seize upon and help to develop passing events. From September 24, 1755, to July 6, 1835, a period of 80 years, John Marshall lived. What an eventful period!

If this may be regarded the age of commercial and scientific, that surely was one of governmental development. Centuries ago Aristotle spoke of "every polity" containing "three departments," "the assembly for public affairs, the officers of the State and the judging or judicial department." Men of Marshall's time had studied well these different sources of power and were assiduous in their labors for their completest development. But to accomplish this the bands which bound them to the mother world must be broken.

At the age of only 20 we find our young hero offering himself to fight the battles of his country. He came from fighting stock. Already his father, Col. Thomas Marshall, born in the same year as was Washington, 1732, and a schoolmate of his, had attained distinction in the public service.

Boldness in action, geniality of spirit with the men soon marked young Marshall as a leader. He was an officer of that company which were called "shirt men" and which taught Lord Dunmore a lesson in primitive warfare and of whom John Randolph said in the Senate of the United States they "were raised in a minute, armed in a minute, marched in a minute, fought in a minute, and vanquished in a minute." He took a prominent part in the battles of Iron Hill, Brandywine, Germantown, Stony Point and Monmouth, and was with Washington through the trying times at Valley Forge where Slaughter, a companion of the period, said of him, "He was the best tempered man I ever knew. During his sufferings nothing discouraged, nothing disturbed him. If any of the officers murmured at their privations he would shame them by good natured raillery or encourage

them by his own exuberance of spirit." It was while in the army there appeared the dawn of his judicial power for he was frequently called to settle trifling disputes between the men and more often to act in the responsible position of Judge Advocate. These positions brought him continually under the eye of General Washington who never seemed to tire of lauding his many excellent virtues.

In 1780 he commenced the practice of law in Richmond, the Capital of his native state. Unlike most lawyers, he was not compelled to pass through what is commonly known as the starving time of his profession. His preëminent ability brought him a large clientage at once. He was not destined however to remain long undisturbed in the practice of law. The halls of legislation began to make their demands and an ever ardent constituency found earnest

satisfaction in being represented by him. It frequently happened that he was chosen when the party which he represented, was clearly in the minority, such, however, was the absolute faith in his integrity and unerring wisdom, that no wonder Patrick Henry, then regarded as the leader of the opposition, said of him: "His temper and disposition were always pleasant; his talents and integrity unquestioned; I love him; I really should give him my vote for Congress preferable to any citizen in the State at this juncture, one only excepted, that one is in another line." (Henry was evidently referring to Washington who had been recently appointed General in Chief of the Army expected to be used in opposition to France.)

While it did not fall to the lot of Marshall to be a member of the Continental Congress nor the Convention which prepared the Constitution of the United States, yet he was six years a member of the legislature of Virginia and was one of the most prominent figures in the Constitutional Convention of that state called to adopt the proposed Constitution of the United States. He represented his state also in the halls of Congress and finally in 1829, after having been Chief Justice twenty-five years with Ex-presidents Madison and Munroe, he became a member of the Virginia State Convention called to remodel the constitution of that state.

I shall leave for your investigation the character of the labor he performed for his country in these various bodies, suffice it to say that he ever kept before him the thought that "statesmanship" as one has said "is not the obstinate reaching out for the unattainable, but the acceptance of the best that is within reach."

His entering upon his duties as a member of Congress was coincident with the death of Washington, and while not written by him, he first gave to the world by reading and moving

in Congress the adoption of a resolution, containing that ever living tribute to the Immortal President, that he was "First in war, first in peace, and first in the hearts of his fellow countrymen."

In 1797 Marshall with reluctance accepted from the hands of President Adams a commission to go with Pinckney and Gerry as Envoys Extraordinary and Ministers Plenipotentiary to France. Adams writing to Gerry said of him, "He is a plain man, very sensible, cautious, guarded and learned in the law of nations."

Fortunate indeed that our nation at that particular juncture of affairs was so ably represented at a Court so fully bent on stirring up strife and especially in trying to involve the young Republic in a struggle, not calculated to be of benefit to her either at home or abroad.

It was at a time when France and England were bitterly warring one with the other, and before that period when there had been announced that salutary statement of our policy which in later years became known as the Monroe Doctrine.

It will be remembered Marshall had to deal with that clever diplomat, Talleyrand, and answer in plain but dignified language one who justly earned the reputation of saying that "words are used to conceal thought." The history of the negotiations need not be here recounted. Talleyrand was, however, trying to extort money from the United States Government for fancied injuries, and would not receive her representatives without an agreement first having been made that such funds would be produced. This the commission refused to do, and consequently were not received.

Because of Marshall's actions, he was given a most cordial welcome upon his return to the States. Receptions and dinners without number were accorded in his honor. It was upon one of these occasions that the toast "Millions for defense, but not a cent for

tribute" was proposed. A sentiment which has borne fruit with the people of this country from that time to this.

President Adams was very desirous to have Marshall in his cabinet and tendered him the position of Secretary of War. It was not, however, until there came a vacancy in the Department of State that he acceded to the President's wishes and became its Secretary.

This appointment was particularly fortunate coming as it did near the close of the reign of the Federalists in this country. It brought into close contact and daily communion two men whose policies and mode of thought have become ineffaceably stamped upon the warp and woof of the life of our generation. To run the gauntlet of distrust and enmity between England and France taxed to the utmost the officers of State. Marshall was equal to every occasion and his instructions to our representatives abroad, side by side with those of Webster, are classed among the best of our many excellent state papers.

For every person destined by Providence to spend his more mature years in the discharge of some great trust, there must needs be years of preparation. The events which we have been here discussing all happened before John Marshall was 46 years old. They covered the preparatory period of an after vigorous and lengthy course in public life. We find him now in the very prime of his splendid manhood. A married man, a devoted husband and father. A religious man, a man of temperate habits, going not into excesses of any kind or description. A plain man, one who had learned well the lesson so hard for us to remember, that there are others in the world besides ourselves. One whom position and honor had not swelled to the point of bursting, and one with whom the lowest could meet upon the street corner and converse as freely as could Daniel Webster in the rooms of the supreme court. He hated a blowhard or a sham

and never enjoyed himself better than when puncturing some bubble of supposed brilliancy or importance which came floating his way. It is related of him that one morning when at the market (for he was an early riser) a young swell who had recently removed to Richmond, was making the air black with oaths because he could not find some errand boy to take home a turkey recently purchased. Marshall hearing the noise undertook the job and safely landed the fowl at the young man's kitchen door. Upon going away the young man asked a bystander who that polite old man was who had brought home the turkey for him. "That man" was the reply, "is John Marshall, Chief Justice of the Supreme Court of the United States."

One can hardly comprehend Marshall's crowning life work without recalling the political forces which were at work during those times in our government. Let us forget the new century into which we have now entered, and in thought at least, commingle with the stirring events prior to 1800.

It took but a short time to demonstrate the fact that a "more perfect union" must be formed than existed under the confederation, if the union was to live. There must be some central power, capable of enforcing its decrees. But little use was a law apportioning a certain amount of taxes to a given state, without adequate remedies to secure its payment. Almost every public man of the period felt the necessity of action. But how to save the independence of the state, and its rights as opposed to the nation, was the Banquo's Ghost which would "never down". While in Ancient Greece there had been the Achean League; while the Swiss Cantons have with many changes of Constitution existed since the 13th century and the Seven United Provinces of The Netherlands lasted from 1579 to 1795, yet models for a dual system so extensive as the one proposed for us were not in existence in the entire history

of the world. It seems strange now, that there should have been so much of difficulty. Especially those born since the War of the Rebellion will find it not easy to understand that that system, which now appears to be running with the highest perfection, was once in a condition, that not only a half century of temporizing, but a great Civil War was necessary, in order to establish.

As a member of the Virginia Convention Marshall was ever found in the front arguing with clearness those questions which so deeply concerned his state and nation. By nature and habit of thought he was found favoring the Constitution. His discussions of the different questions at stake as reported in Elliott's Debates forshadowed those many able utterances made by him as Chief Justice. It is much to be regretted that Thomas Jefferson was abroad in the service of his country when the Constitution was under discussion, and was not therefore officially connected with the framing of that immortal document. It is said that the safety of our Republican form of Government rests in the numerous checks found in the Constitution; but let me remark that no greater check could be found than that which necessarily results and even at this time appears from Jefferson and his school of thought being brought in constant opposition to that of Washington, Hamilton and Marshall.

The Constitution as framed did not please everyone—nay, some it could not satisfy. Even that sage, philosopher and patriot Benjamin Franklin, tottering upon the brink of the grave with age and physical weakness, though with an intellect brighter with advancing years, while urging every member of the Convention to sign, said, "Thus I consent, sir, to this Constitution because I expect no better and because I am not sure it is not the best. The opinion I have had of its errors I sacrifice to the public good."

With pardonable pride ought we as citizens of this mighty commonwealth

hail that document of which Gladstone found in recent years his pleasure to say: "It is the most wonderful work ever struck off at a given time by the brain and purpose of man."

During the first eleven years of our Government but six decisions were made involving a constitutional question, in only one of which Marshall appeared as counsel and in that one he met defeat. Upon the lips of lawyers and laymen alike was the ever repeated question, "What does the Constitution mean?" Where do the powers of the States end and those of the Nation begin? Unsatisfied thirst for power was continually asserting itself; a political revolution was about to occur; gloom and foreboding because of foreign difficulties hovered over all; darkness and night was on the land.

The head of the Executive department heard the voice of his people and said "Let there be light" and there was light.

If for no other act in history should the name of President John Adams be ever held in fond remembrance, that one alone of giving to this nation John Marshall as Chief Justice, is sufficient to make his fame immortal. Speaking generally, a constitution is defined to be "a system or body of fundamental principles, written or unwritten, under which a nation, state or body politic is formed or governed."

England possesses what is commonly known as an unwritten constitution. With her people an act of Parliament is the supreme law of the land. In many respects her form of fundamental law is more elastic than ours. With her there would be no discussion whether the Constitution "followed the flag" or the flag the Constitution. An act of Parliament once made would be binding. With our system, however, conditions are different. Limitations are set. Boundaries are established beyond which the legislatures of the states, nor Congress itself, cannot go.

The Supreme Court has been aptly

and eloquently called the "living voice of the Constitution." From the beginning to the present moment that body has spoken in no uncertain tones whenever occasion demanded.

Marshall was in favor of a strong central government. His power of looking into the future was phenomenal. He seemed always to have in mind the objects for which the document was adopted.

"To form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to themselves and their posterity." These were the purposes for which the Constitution was adopted and to accomplish these ends he devoted his every thought and most consummate zeal.

He has been commonly understood to have been in favor of a liberal interpretation. Rightly considered, this claim is true. In the case of *Gibbons vs. Ogden* involving the construction of the commercial clause of the Constitution, upon this point, he said: "The Constitution contains an enumeration of powers expressly granted by the people to their government. It has been said these powers ought to be construed strictly but why ought they to be so construed? What do gentlemen mean by a strict construction? If they contend only against that enlarged construction which would extend words beyond their natural and obvious import, we might question the application of the term but should not controvert the principle. If they contend for that narrow construction which, in support of some theory not to be found in the Constitution, would deny to the government those powers which the words of the grant, as usually understood, import, and which are consistent with the general views and object of the instrument; for that narrow construction which would cripple the government, and render it unequal to the objects for which it is declared to be

instituted, and to which the powers given, as fairly understood, render it competent; then we cannot perceive the propriety of this strict construction, nor adopt it as a rule by which the Constitution is to be expounded."

Nor did he in the many decisions uttered by him.

When at this time we hear the wise ones discussing what can and what cannot be done under the Constitution, we feel like turning with perfect composure to the words of our most eminent Chief Justice just quoted and with him believe that if an end of this union is to "establish justice" then we ought not to adopt that narrow construction which "would cripple the government and render it unequal to the objects for which it is declared to be instituted."

Our Constitution was framed for a nation which must needs deal with other countries, and peoples. The fact that Congress was given power to make treaties and declare war is sure evidence thereof. It must have been foreseen that history would repeat itself and if our government became strong, as our forefathers hoped it would, we would become a protector of the weak in the family of nations. Who can say that our Constitution is not sufficiently comprehensive to cover all the unforeseen contingencies? The moment we stand by and allow our less favored neighbors to be deprived of their just rights, that moment we sow the first seeds which will destroy tranquility at home. If in so doing the accident of battle places new responsibilities upon us, the people can assume those burdens under the Constitution and in such a manner as not to destroy those blessings vouchsafed to our own people. Patient study and investigation alone will reveal the manner, but of the power to act there can be not the slightest doubt.

During the 34 years Marshall was upon the bench 1215 cases were decided. In 94 of these no opinion was written; 15 show them to have been prepared by the court, no judge being named.

Of the remaining 1106 Marshall wrote the opinion in 519, and during the same time wrote eight dissenting opinions. Out of the entire number, 62 decisions were made involving constitutional questions, in 36 of which the opinion was written by Marshall, the remaining 26 by some one of seven other Judges.

One unfamiliar with court procedure can scarcely comprehend the vast amount of labor required to accomplish the task thus assigned to the Chief Justice. Easier would have been the path, had precedent appeared to guide, but like the frontiersman in the material growth of the country, he was blazing his way through untried forests of legal principles, with no chart to guide save that never failing wisdom born of the time and an integrity of purpose boundless in its limitations.

It would be interesting to discuss at length many of his noted opinions, but a reference to one or two will serve the purpose of the hour.

You have all heard of the Dartmouth College case where was settled the inviolability of a contract when once made, a case more generally known but perhaps of not so great importance as some others. The cases of *Marbury vs. Madison* and *McCulloch vs. Maryland* are of especial interest; in the former the Court holding that an act of Congress repugnant to the Constitution is void and in the latter, that a state statute repugnant to the Federal Constitution is also void.

In what manner could the power of the Court established by the people under the Constitution have had a greater exhibition of power.

We speak in this day of Arbitration. The word seems to have a particular charm. The representatives of different nations meet, negotiate and plan to submit their differences to a chosen body whose decision shall be final.

Did you ever think that the thirteen original colonies, through the people of their respective states, by adopting a national Constitution raised a board of

arbitrators in the persons of the Justices of the Supreme Court, endowing them with power to settle disputes not only between states but also between citizens of the same state, when laws there enacted infringe upon the higher law of the land?

Be it said to the credit of our court and people that in only one instance has it been found necessary to override, except by peaceable methods, a final adjudication of that high tribunal where the power of ultimate decision has been finally lodged.

You can best see the favorable results coming from the decisions above referred to by considering what would have been the result had Marshall held that the Courts did not have the power to set aside an unconstitutional act. As an example, take our constitutional limitation with reference to debts of the state, county, or municipality. A thrifty legislature might enact laws which would make taxation simply confiscation, but should they so legislate, one has only to go to the courts to find ample redress.

You have all read of the Alabama claims arising between citizens of our government and those of England during the war of the rebellion, to settle which a war between the countries became almost necessary, how they were settled by arbitration. The boundary lines of Venezuela and her neighbor have been determined in a like manner. What power of this government is invoked when controversies arise as between the states and the citizens thereof other than the high one of arbitration clearly defined, though not so named, by the Constitution? We in this later day become so accustomed to regard the nation as an entity that we sometimes forget that the great state of New York with her millions of inhabitants and that of Illinois, with her millions, are almost daily calling upon that previously appointed board of arbitrators, the Supreme Court, to settle their difficulties. This board, unlike many

others, has all the force of the general combination of states at its back to enforce its decrees. This assumes of course that the executive department does its duty.

It happened once, during Jackson's administration, the Supreme Court rendered a judgment against a citizen of Georgia which was particularly objectionable to his Excellency, when he was heard to say "John Marshall has entered his judgment. Now let's see him enforce it." During the entire history of our national life this is the only instance we now recall, save that of the Dred Scott decision when the Executive did not finally and freely support the judicial decrees.

In this day of steam and electricity the question naturally arises what would have been the result had a different construction been put upon the commercial clause of the Constitution than the one announced by Marshall?

Herein was defined the word "Commerce." Narrow constructions held to the simple definition of traffic, but Marshall held it was more, it was "intercourse." And thus in 1824 was laid down a rule so persistently followed in this day of marvelous achievements and without which commercial development would be impossible.

One of the greatest jurists this country ever produced was James Wilson. He was one of the framers of the Constitution and was appointed by Washington as one of the first Associate Justices of the Supreme Court. In an important decision he propounded this question: "Do the people of the United States form a nation?"

It fell to the lot of Marshall to answer that question. Though born of southern blood, and by inheritance receiving slaves, yet he early emancipated them and during a long and eventful career, kept answering back to his former associate and friend "The People do form a nation."

The question naturally arises: What attitude would Marshall have assumed

concerning some of our later day notions with reference to the Judicial Recall and the Recall of Judicial Decisions?

When we consider how persistently he urged that the judges should serve during good behavior, it is clear that his brilliant genius would have found a suitable substitute, (a very easy thing to do), for the present clumsy method by impeachment, of getting rid of a bad judge.

As to Recall of Decisions, we incline to the opinion that his notion of the value of the checks and balances found in the three departments of our government, executive, legislative and judicial, were too deeply rooted in the warp and woof of his mental makeup to find room in his brain for even a momentary consideration of this utterly illogical political nostrum which is put forth as a cure-all for judicial difficulties, and which, if adopted, would in the end ruin our republican form of representative government. So many good men, however, think differently upon this question, that I commend to your patient investigation the words of wisdom of this great man upon this and other like questions as they appear running through all his decisions. That eminent jurist Mr. Justice Story, who perhaps of all others was the most accomplished scholar that ever adorned the bench of the Supreme Court of the United States, and who though originally differing in the political thought of the time, with his compeer with whom he sat in perfect accord for twenty-five years, never hesitated to speak that praise to which he so thoroughly believed his friend was entitled. He says:

"When can we expect to be permitted to behold again so much moderation united with so much firmness, so much sagacity, with so much modesty, so much learning, with so much experience, so much solid wisdom, with so much purity, so much of everything, to love and admire, with nothing, absolutely nothing, to regret. What, indeed,

strikes us as the most remarkable in his whole character, even more than his splendid talents, is the entire consistency of his public life and principles. There is nothing in either which calls for apology or concealment. Ambition has never seduced him from his principles, nor popular clamor deterred him from the strict performance of duty. Amid the extravagances of party spirit, he has stood with a calm and steady inflexibility, neither bending to the pressure of adversity, nor bounding with the elasticity of success. He has lived as such a man should live (and yet, how few deserve the commendation) by and with his principles. Whatever changes of opinion have occurred, in the course of his long life, have been gradual and slow; the results of genius acting upon larger materials, and of judgment matured by the lessons of experience. If we were tempted to say in one word what it was, in which he chiefly excelled other men, we should say, 'In Wisdom; in the union of that virtue which has ripened under the hardy discipline of principles, with that knowledge which has constantly sifted and refined its old treasures, and as constantly gathered new. The Constitution, since its adoption, owes more to him than to any other single mind, for its true interpretation and vindication. Whether it lives or perishes, his exposition of its principles will be an enduring monument of his fame, as long as solid reasoning, profound analysis, and sober views of government, shall invite the leisure, or command the attention of statesmen and jurists.'

"But interesting as it is to contemplate such a man in his public character and official functions, there are those, who dwell with far more delight upon his private and domestic qualities. There are few great men, to whom one is brought near, however dazzling may be their talents or actions, who are not thereby painfully diminished in the estimate of those who approach them. The mist of distance sometimes gives a

looming size to their character; but more often conceals its defects. To be amiable, as well as great; to be kind, gentle, simple, modest and social, and at the same time to possess the rarest endowments of mind, and the warmest affections—is a union of qualities, which the fancy may fondly portray, but the sober realities of life rarely establish. Yet it may be affirmed by those who have had the privilege of intimacy with Mr. Chief Justice Marshall, that he rises, rather than falls, with the nearest survey; and that in the domestic circle he is exactly what a wife, a child, a brother, and a friend would most desire. In that magical circle admiration of his talents is forgotten, in the indulgence of those affections and sensibilities, which are awakened only to be gratified. More might be said with truth, if we were not admonished, that he is yet living, and his delicacy might be wounded by any attempt to fill up the outline of his more private life."

What a life! What a record to bequeath to his children! Search the pages of history and where do you find its equal?

A Holt, a Mansfield, rich in juridical learning, could for the parliament of England construe and apply laws which knew no superior power, but it required the patient genius and constructive force of a Marshall to guide a young Republic, the envied of the civilized world, by that code of principles which acknowledged its authority only in the voice of the people themselves. He was to us what that great lawgiver was to Greece in her infant stage of development, and thus we hail him as the Solon of the 19th Century, because, as one has said,

"He found the Constitution paper and he made it power,

He found it a skeleton and clothed it with flesh and blood."

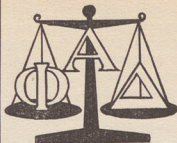
Then bring together the remains of your best and bravest from every quarter of this ever expansive nation; in grateful remembrance of their mighty

deeds, erect a monument which shall pierce the vaulted skies; inscribe thereon the names of the sages, poets, patriots, orators, statesmen and lawgivers of each generation as they have come and gone; place high upon those marble blocks the name of Washington, the founder, and of Lincoln, the preserver, of this Republic; but do not forget that the structure will be incomplete un-

less side by side with them in equal rank, you carve also the words: John Marshall, the expounder, and defender of that Constitution, without which, the nation would have been founded in vain, and whose fragile remains would have been wanting in those coherent principles of civic life, which rendered its preservation impossible.



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His Majesty's Judges, passing from Westminster Abbey to House of Lords at the reopening of the law courts.

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Sir John
Simon, England's New
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Whether the vendor of personal property is entitled to an equitable lien thereon;

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Rights under a conveyance or reservation of timber not specifying time for removal;

Rights of purchaser of city lot as to alley in rear;

Probate Law

Effect of execution by mistake of will intended for another person;
Time as of which the value of land is to be ascertained for dower purposes;
or as of which the valuation of the personal estate is to be made in determining rights of surviving spouse;

Negligence

Whether an accident may be considered the proximate cause of death of the injured person under an anaesthetic;
The applicability of the doctrine of *res ipsa loquitur* where a passenger is injured by the skidding of a vehicle, or by an article brought in by another passenger;
The duty of the vendor of dangerous goods to warn the purchaser.

Insurance

What amounts to a storing, using or keeping of gasoline, explosives, or other prohibited articles on insured premises;
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