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Phi Alpha Delta
Quarterly



NOVEMBER, 1923

Don't Forget the Time and Place:

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LIST OF CHAPTERS

BENSON	Washburn College, Topeka, Kansas.
BENTON	Kansas City School of Law, Kansas City, Mo.
BLACKSTONE	Chicago Kent College of Law, Chicago.
BREWER	Stetson University, De Land, Fla.
CALHOUN	Yale University, New Haven, Conn.
CAMPBELL	University of Michigan, Ann Arbor, Mich.
CAPEN	Illinois Wesleyan University, Bloomington, Ill.
CHASE	University of Cincinnati, Cincinnati, Ohio.
CAMP CLARK	Washington University, St. Louis, Mo.
CLAY	University of Kentucky, Lexington, Ky.
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GREEN	University of Kansas, Lawrence, Kansas.
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HARLAN	University of Oklahoma, Norman, Okla.
HAY	Western Reserve University, Cleveland, Ohio.
HOLMES	Stanford University, Stanford, California.
HUGHES	Denver University, Denver, Colo.
JOHN JAY	George Washington University, Washington, D. C.
JEFFERSON	University of Virginia, University, Va.
KENT	University of Idaho, Moscow, Idaho.
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LAWSON	University of Missouri, Columbia, Mo.
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LURTON	Vanderbilt University, Nashville, Tenn.
MAGRUDER	University of Illinois,ampaign, Ill.
McKINLEY	Ohio State University, Columbus, Ohio.
McREYNOLDS	University of Tennessee, Knoxville, Tenn.
MARSHALL	University of Chicago, Chicago, Ill.
MITCHELL	University of Minnesota, Minneapolis, Minn.
MORGAN	University of Alabama, University, Ala.
RAPALLO	New York University, New York City.
REESE	University of Nebraska, Lincoln, Neb.
ROSS	University of Southern California, Los Angeles, Cal.
RUFFIN	University of North Carolina, Chapel Hill, N. C.
RYAN	University of Wisconsin, Madison, Wis.
STAPLES	Washington and Lee University, Lexington, Va.
STORY	De Paul University, Chicago, Ill.
TAFT	Georgetown University, Washington, D. C.
TEMPLE	University of California, Berkeley, Cal.
WEBSTER	Chicago Law School, Chicago, Ill.

Ballade of Bliss

When gloom, like a canker, spreads over my soul,
And life seems a burden too heavy to bear;
When sharp-biting troubles attack in a shoal
And leave in their wake a titanic despair;
I spend not a minute in suppliant prayer,
I seek no relief in Burgundian quarts—
With this I untangle the meshes of care:
A treatise on Property, Pleading, or Torts.

Or if I'm as merry as ancient King Cole,
And life is a radiant vista and fair,
And every occurrence is pleasant and droll,
And nothing's too hard or too lofty to dare,
I yearn for no maiden to rumple my hair,
Nor do I engage in the tamest of sports;
But quietly read in my brown leather chair
A treatise on Property, Pleading, or Torts.

Perusing an old Alexandrian scroll
Is nectar to scholars, I'm fully aware;
And just are the critics who warmly extol
The diction of Steele and his greater confrere.
But better than these; than Montaigne, than Voltaire—
Ay, better than Meeson and Welsby's Reports!—
Are those splendid pages whose worth I declare—
A treatise on Property, Pleading, or Torts!

Prince, if to a Paradise, I should repair,
To live like a king in the grandest of courts,
Oh give me, to make life endurable there,
A treatise on Property, Pleading, or Torts!

—AXIPHILES.

The History of Phi Alpha Delta

The History as written by Past Supreme Historian Paul C. Meier as revised and supplemented by Supreme Historian Joseph P. O'Connell. Reprinted from the Phi Alpha Delta Quarterly of March, 1916.

Late in the nineties of the last century there was formed at Chicago College of Law, now Chicago-Kent College of Law, an organization of students without known name or objects, and which later was an active member of the Law Students' League. At that time admission to the bar of Illinois was presentation of a degree in law, without any examination or conditions regarding preliminary education, when, without warning, the Supreme Court of Illinois adopted "Rule 39," requiring all candidates for admission to the bar to have an education equivalent to that of a graduate from high school, increased the period of study from two to three years, and compelled all to take examinations conducted by a newly created Board of Law Examiners. Naturally this materially affected a great many then attending law schools in Chicago, and the Law Students' League, composed of students from all the local schools, was organized to secure exemption from the rule for those who had actually begun the study of law before its adoption.

The Law Students' League failed in its undertaking, but between many from different institutions, who for a long time had come into almost daily contact, there were formed friendships that could not be severed, and it seems natural that the organization of a fraternity should have been suggested; and even before it could be predicted whether the league would succeed or fail, Lambda Epsilon was founded.

Lambda Epsilon was born twins, there being two chapters, neither of which can properly pretend to be the elder, Blackstone Chapter of Chicago College of Law, and Kent Chapter of Kent College of Law, both evening schools. Kent College of Law later consolidated with, or was absorbed by, Chicago

College of Law, the new school taking the name Chicago-Kent College of Law, and Kent Chapter losing its identity in Blackstone Chapter. These two chapters organized a Grand Chapter, which was a peculiarly organized body, whose membership was not to be altered until there should be twelve subordinate chapters.

Shortly after the new fraternity was formed, it began to grow, and soon Story Chapter was organized at Illinois College of Law. So quietly was this work done, and so truly secret was the society that the very existence of Story Chapter was unknown to the authorities and students at Illinois College of Law for many years.

The founders of Lambda Epsilon undoubtedly meant to establish a fraternity, but unfortunately their fears that the organization might pass into the control of those who might not have the same lofty ideals, and their ambition to be known as the fathers of what they hoped would be, and what has since come to be, the greatest law fraternity in the world, led them into errors which it was not possible to correct, and which finally led to rebellion by the new Chapter Story, whose members would not submit to being without a voice in the government of the fraternity, and in October, 1899, Bros. John A. Brown, Shelly B. Neltner and Harry Otto Rhodes were appointed a committee to call upon the Grand Chapter and "find out what was being done about a convention." although the Constitution expressly forbade the holding of any convention at that time. Brothers Brown, Neltner and Rhodes seem to have impressed the Grand Chapter, for we find that within the next month a call was issued for the "First Biennial Convention" to be held in Chicago, December 4 to 9 inclusive. The purpose of the convention as stated in the call, was to adopt a new constitution, elect officers of the Grand Chapter, and transact such other business as might come before the convention. The officers of the Grand Chapter and six delegates from each chapter composed the convention.

Attached to the call for the convention are signatures of the following members of Phi Alpha Delta:

Arthur C. Fort, Right Honorable Chief Justice.

H. J. Flusch, Right Honorable Custodian of the Rolls.

Charles R. Powell, Right Honorable High Sheriff.

Asahel W. Gage, Right Honorable High Bailiff.

Bro. Chester W. Church was elected chairman, and Bro. E. N. Sherburne, secretary, of this convention, and although by comparison with our present constitution the one then proposed seems quite simple and explicit, and in spite of the earnest endeavors of all the delegates and officers of the Grand Chapter, the convention after the five stormy days of its existence, accomplished nothing except to antagonize those who ought to have been united. After the convention the Grand Chapter succeeded in restoring harmony, chiefly by promises of a new convention, the calling of which, however, was delayed for a year and a half, when the "Second Biennial Convention" was called to meet at Round Lake, Grays Lake Station, Wisconsin, in the latter part of June, 1901.

During the interim between the first and second conventions the officers of the Grand Chapter had not been idle, but had established a new chapter, Fuller at Northwestern University Law School, the organization of which, the first chapter in a university, was considered by the Grand Officers something to be proud of, all the chapters before that time having been at law schools commonly referred to as independent, that is, not affiliated with any university. Chicago-Kent later became the law department of Lake Forest University.

The officers of the second convention were Joseph P. McGoorty, Chairman, and Paul C. Meier, Secretary, and little, if anything, was accomplished, due perhaps to the fine fishing, boating, and bathing, no less than to the attractions of nearby country dances. The delegates were accommodated in several tents from which they were frequently driven by the intense heat and ravenous mosquitos, resulting in many "wild night rides through

the forest." A suggestion to publish a fraternity paper was defeated.

After electing Asahel W. Gage, Right Honorable Chief Justice; Shelly B. Neltner, Right Honorable Chancellor of the Exchequer; James R. Garrett, Right Honorable Clerk of the Rolls; E. N. Sherburne, Right Honorable High Sheriff, and John A. Brown, Right Honorable High Bailiff, the convention postponed action on revision of the constitution and adjourned to meet again in the autumn at the call of the chairman. The chapters at this time numbered four, being Blackstone, Kent, Story, and Fuller.

At the adjourned meeting of the convention, held in Chicago, absolutely no action was taken on proposed amendments to the constitution, those present feeling that there was something wrong with Lambda Epsilon, though none seemed to know the real trouble, and consequently no one could suggest a remedy, though there was some talk of reorganizing and "going about it differently," a number of the Grand Officers themselves feeling that the organization was not a "real" fraternity.

During the winter following the second convention the Right Honorable High Bailiff published a directory, the first attempted, containing the names and addresses of one hundred fifteen members, which was considered quite a number.

The Grand Chapter, being the third of Lambda Epsilon, although somewhat discouraged with the condition of the fraternity, did not fail to exert itself to the utmost in an endeavor to revive and stimulate the growth of the society. A new chapter was organized, Daniel Webster at Chicago Law School, and the Grand Officers frequently visited the subordinate chapters to encourage and advise, while trying to discover what was the matter with the organization, without, however, either encouraging or learning. Something surely was wrong, and it would require a good doctor and heroic treatment to keep Lambda Epsilon alive, so that it was without hope the call for another convention was issued to meet at the City of South Haven, Michigan, July 26, 1902, and from day to day until it should adjourn. Convention headquarters were at the "Colonial Tavern" and meetings held in the cupola of

a small tower above the building, the hottest place in all creation, and admirably suited to the work in hand. The delegates and others present were: Alfred Thompkins, Sidney B. Meyer, Shelley B. Neltner, George B. Watson, A. F. Holste, Mark H. Bell, M. B. Schuster, Fred L. Nees, Simon T. Sutton, Asahel W. Gage, Elias Mayer, E. G. Henkel, E. N. Sherburne, Roland M. Hollock, Paul C. Meier, H. W. Bloomington, J. M. Prentiss, Charles L. Daly, James R. Garrett.

It was Sunday morning, July 27, 1902, before the convention organized by electing Roland M. Hollock, chairman and Simon T. Sutton, Secretary.

The spirit of dissatisfaction had spread since the last convention; every delegate was prepared for something radical, and no one hesitated to express himself without reserve. After many speeches had been made a resolution dissolving Lambda Epsilon was unanimously adopted. The result, of course, was that those present immediately ceased to be delegates, no longer belonged to any law fraternity and were simply attending a meeting of lawyers and students.

What to do now was a question, to abandon any attempt to have a fraternity was not to be considered, but the next step to take was a serious matter. A committee was appointed to suggest a method of procedure and in passing it may be stated that this committee held its sessions in the bridal chamber of the hotel. After some discussion, the committee prepared and submitted what were called "Articles of Organization" for an association to be composed of the men who subscribed thereto, and such other white men as might be invited by name by the directors. The officers were to be a President, a Secretary, and a Treasurer, and there was to be elected a Board of Directors composed of the officers and three others. The Board of Directors were required to submit a constitution and recommend a name and a plan of organization providing for the establishment of branches in the law schools of America. It was provided that only graduates or students at law should be eligible to membership.

Thus did Lambda Epsilon, with all its troubles, finally cease to struggle and passed out of existence. But it had not lived in vain, for it is only reasonable to say that but for

the organization of Lambda Epsilon, Phi Alpha Delta would not have been born.

A new fraternity had been born, but it was truly an infant, unable to stand, being without even a name, and it required the tenderest care to insure its growth and strength. All that had been done was to be done again, but those who were entrusted with the labor of developing the temporary organization, and making of it a true fraternity, were willing to devote themselves to the task. They worked night and day for more than three months, when finally the signers of the South Haven Articles of organization, and a number of other former members of Lambda Epsilon, were called to attend a meeting in the gold room of De Jonghe's on Monroe Street, Chicago, on November 8, 1902, when there was submitted a comprehensive plan for governing the new fraternity. There was organized a "National Council," composed of two representatives from each chapter, and having full authority to act for the fraternity during the interim between conventions, which were thereafter to be held annually. The National Officers were elected by the National Council from among its members. The name of Phi Alpha Delta was chosen and the first National Officers were elected:

Roland M. Hollock, Chief Justice.

John P. Floan, Vice Chief Justice.

Simon T. Sutton, Recorder.

Herbert W. Bloomington, National Treasurer.

The officers of the new fraternity were industrious, for scarcely had the organization been completed, when John Marshall Chapter was formed at the University of Chicago, which institution had just opened its law school; in fact, the colors and emblems of the fraternity had not yet been adopted when, on November 20, 1902, the charter was issued to the first new chapter in Phi Alpha Delta, the Bros. John C. Witt and William G. Bopp from Marshall were required to assume a part of the work still to be done. The charter members were: William Rudolph Kearcher, William George Bopp, Charles N. Caldwell, William Haines Fielding, John C. Witt, Verne Adrian McGeorge, Leon Kline, Alden Rhodes Hicks.

At the end of the first year Phi Alpha Delta was established as Lambda Epsilon could never have hoped to be. Many of the former members were not invited to join the new fraternity. Everything was harmony and enthusiasm, and there was present only a desire to do that which would be for the best interests of the organization, for already it was felt that, rightly managed and properly organized, here was the beginning of a professional fraternity that would in time take its place as first.

The first National Council realized that after it had established chapters in the law schools of Chicago, its most important work was to give the fraternity a good constitution, one which would give every chapter a voice in the government of Phi Alpha Delta, so after John Marshall Chapter was admitted the National Council applied to drafting a constitution that would have some chance of being adopted at the next convention.

The fourth convention was held at Pistakee Bay, Fox Lake Station, Illinois, and to it was referred the task of providing the fraternity with a form of government that would permit a natural and healthy extension as contemplated by the articles of organization. The convention, unable to finish the work in the time at its disposal, appointed Bros. John A. Brown, Robert E. O'Brien, Charles L. Daly, Lewis C. Garver and Paul C. Meier a committee to revise the constitution and report at an adjourned meeting of the convention to be held in Chicago.

Pending the report of the Constitution Revision Committee, the National Council deferred election of National Officers, and organized by electing John C. Witt, Acting Chief Justice, and Paul C. Meier, acting Recorder.

The Constitutional Revision Committee held many meetings during the fall of 1903, and it was late in the year when the fourth convention was again called to order, this time in the Northwestern University Building, Clark and Lake Streets, Chicago, where the recommendations of the committee were gone over section by section, and a constitution finally adopted.

After this Constitution had been adopted the National Council permanently organized by electing the following National Officers:

William C. Healion, Chief Justice; Paul C. Meier, Vice Chief Justice; Hugo L. Pitte, Recorder; Robert E. O'Brien, National Financial Secretary; and August H. Schroth, National Treasurer. The other members of the National Council were John C. Witt, Charles L. Daly, Julius R. Klein, Thomas P. Octigan, and Lewis C. Garver.

It was during this administration that the first chapters not in Chicago were organized, Ryan Chapter at the University of Wisconsin, March 11, 1904, with charter members as follows: Julius Paul Frank, James Blain Graham, William John Hagenah, Charles Harry Stone, William Wallace Storms, Clifford Ellsworth Randall, Arthur Charles Taylor, George William Taylor, James E. Thomas, Waldemar Carl Wehe, Morris Evans Yager and Magruder Chapter at the University of Illinois, also on March 11, 1904, with the following petitioners: Andrew E. Tracey, LeRoy Kershaw, Bartlett S. Gray, Cloyd E. Keith, Richard P. Vickrage, Glen J. Cameron, George M. Clendenin.

These chapters were installed in Chicago, the occasion being made a gala one, concluding with a banquet at Kinsley's where Bro. G. G. Schmitt of Marshall Chapter was presented with a jeweled Phi Alpha Delta watch fob, the first made, in recognition of his work in organizing Ryan Chapter. Brother Schmitt later did excellent work in interesting students at the University of Michigan, and also had no small share in the organization of William Chapter. An effort was made to secure a chapter at the University of Michigan, but without success. It was during this administration also that much work was done in the way of securing information that might lead to the installing of chapters at the greater universities, and at the next convention, being the fifth, seven chapters were represented.

At the fifth convention the constitution was again changed, and the National Council was abolished, the National Officers being elected by the annual convention. The National Officers were elected, being Waldemar C. Wehe, Chief Justice; George M. Clendenin, Vice Chief Justice; Lewis C. Garver, Recorder; Charles L. Daly, National Financial Secretary; August H. Schroth, National Treasurer. Brother Schroth resigned the office of National Treasurer in December, 1904, and

Paul C. Meier was appointed by the Chief Justice to act as National Treasurer until the next convention.

With the assistance of Bro. G. G. Schmitt of Marshall Chapter, another effort was made to establish a chapter at the University of Michigan, this time with success, and James V. Campbell Chapter was installed on November 11, 1905, with seven charter members; Paul W. Boehm, Clark B. Montgomery, Harry F. Hamlin, Clark A. McMillen, Homer G. White, Henry Miltner, E. M. Halliday, making eight chapters represented at the next convention.

The sixth convention was held in Chicago, at the Northwestern University Building, on July 21, 1905, and for the first time in the history of the Fraternity there was no revision of the constitution, there being only a few unimportant amendments. The officers elected by this convention were: Paul C. Meier, Chief Justice; Paul W. Boehm, Vice Chief Justice; Thomas P. Octigan, Recorder; Edward L. McConaughty, National Financial Secretary, and Charles E. Varley, National Treasurer, who held office for eight months only, the constitution having been so changed that thereafter the terms of the National Officers should begin on June 1. August H. Garland Chapter at the University at Arkansas was organized by this administration, and installed at Little Rock, Arkansas, on April 28, 1906, with eight charter members: Fred Clark Jacobs, Thomas O. Summers, James Kirby Riffel, William Russell Rose, Harry C. Hale, Horace Earle Rouse, Ashbel Webster Dobyns, John Bruce Cox. And on June 16, 1906, the same officers with the assistance of Bro. Eugene Lippincott of Marshall Chapter, who rendered valuable assistance in the work of organizing, installed John Hay Chapter at Western Reserve University at Cleveland, Ohio, with five charter members: Paul DeShaw Knight, Walter H. Cook, Joseph I. Eagleson, Willis R. Godfrey, Cleaveland R. Cross.

The organization of Hay and Garland Chapters was far from the home of the Fraternity, and the expense of organizing and installing the chapters necessitated the greatest expenditure of money the Fraternity had known up to that time, so that it was greatly in need of funds, and it became necessary for the National Officers to use

influence in order to secure half rate tickets when installing new chapters thereby saving the Fraternity Treasury.

At the seventh convention held at the Sherman House in Chicago on May 5, 1906, the subject of a Fraternity magazine was again brought forward, and the Chief Justice, as ex-officio chairman of the convention, appointed Bros. Charles H. Wilber, Richard J. Finnegan and W. Crown Smith, a Board of Editors to establish a Phi Alpha Delta Quarterly magazine. This was the first determined effort to publish a Phi Alpha Delta paper, and was the beginning of the present magazine. At this convention, Thomas P. Octigan was elected Chief Justice; Stoy J. Maxwell, Vice Chief Justice; Clark A. McMillen, Recorder; David M. Taylor, National Financial Secretary, and Lawrence W. Ledvina, National Treasurer.

During this administration not much extension work was undertaken, it being considered advisable to strengthen and conserve the finances, preliminary to missionary work which was planned.

On July 6, 1907, Thomas H. Benton Chapter of the Kansas City Law School was installed at Kansas City, Missouri, with six charter members; Loving T. Crutcher, Aytch P. Woodson, Norman Lombard, Guy Ream Davis, William P. Borland, John Brooks Pew.

The eighth convention of the Fraternity was held in Madison, Wisconsin, on May 11, 1907, when the following National Officers were elected: Lawrence W. Ledvina, Chief Justice; Charles H. Wilber, Vice Chief Justice; Richard J. Finnegan, Recorder; Douglas Heard, National Financial Secretary; and George E. Fink, National Treasurer and during the administration of these National Officers, three chapters were installed, Charles L. Capen Chapter, at Illinois Wesleyan University, Bloomington, Illinois, March 21, 1908, with the following charter members: Martin L. Callahan, Maurey D. Powell, James D. Veatch, F. M. Grady, Herbert C. Bender, Philip A. Gibbons, Fred W. Pitney, Thomas S. Weldon, Michael D. Conaghan, W. Lee Duncan.

Salmon P. Chase Chapter of Cincinnati Law School at Cincinnati, Ohio, on April 11, 1908, with the following charter members: William H. Shepard, Frank H. Cox,

Charles Tatgenhorst, Jr., Charles E. Weber, Harry L. Risingero, Frank A. Ralston, Howard L. Bevis, Orin C. Clement, Michael J. Dosch. And George H. Williams Chapter of the University of Oregon at Portland, Oregon, on May 16, 1908, with the following charter members: Henry R. Saltmarsh, John Wilkinson, R. Frank Peters, Norman R. Landis, John M. Joyce, Malcolm H. Clark, James A. Bennett, Edward A. Snodgrass, Robert H. Dunn, Cusic J. Mahoney, James W. Briscoe.

At the ninth convention held in Chicago, on May 15, and 16, 1908, some radical changes were made in the constitution, the titles of the National Officers were changed, and there were added the offices of Supreme Historian, Supreme Marshal and Board of Tribunes. The Board of Tribunes being created to hear all appeals from decision of chapters.

For the first time in the history of the Fraternity, a Chief Justice accepted re-election, Bro. Lawrence W. Ledvina being again chosen Supreme Justice; William Prentiss, Jr., Supreme Vice Justice; Samuel H. Roberts, Supreme Recorder; Harry P. Dolan, Supreme Treasurer; Edward J. Thelin, Supreme Financial Secretary; Paul C. Meier, Supreme Historian; and Harry C. Moran, Supreme Marshal.

During this administration the Fraternity grew at a rapid pace, six chapters being installed, William G. Hammond of the University of Iowa, at Iowa City, Ia., December 4, 1908, with the following members: Remley J. Glass, Michael L. Donovan, Francis P. Keane, Thorwaldsen S. Risser, Frank F. Messer, Ray H. Wise, Lake M. Bechtell, Paul M. Payne, Oliver H. DeGroot, Sidney C. Kerber, Daniel C. McCully, Forrest B. Olsen, John C. Higgins.

John D. Lawson Chapter of the University of Missouri, at Columbia, Mo., January 9, 1909, with the following charter members: Gustavus H. Boehm, R. S. Cole, Charles W. Dickey, Patrick J. Doyle, Don M. Hunt, Harold T. Lincoln, James A. McCollum, Osmund Halsnsler, Charles J. Sloop, Orville Zimmerman, Fred P. Lieuallen.

Charles A. Rapallo of New York University at New York City, February 20, 1909, with the following charter members: Fred-

erick I. Stokes, Edward L. Gillespie, Henry G. Molina, Edward E. Fay, Harry A. Back, James W. Farrell, Fioravante Caraglia, Frank A. Saporitto, Charles J. Kennedy, George A. Washington.

William Howard Taft of Georgetown University, at Washington, D. C., March 27, 1909, with the following charter members: John Doyle Carmody, Carolyn Edward Crump, James Percy Campbell, John Edward Thomas, John R. Long, Clarkson R. Sherwood, Jr., J. Fillmore Warder, Hugo S. Pettis, Webster H. Wilkinson, Albert B. Ridgway, W. Griffin Mudd, J. Julien Southerland, Sidney E. Mudd, John P. Smith, Allen D. Sprowls, Martin C. Cornell, Frank L. Earnshaw, Reginald M. Hodgson.

John C. Calhoun of Yale University at New Haven, Conn., on March 30, 1909, with the following charter members: Leonard Henry Alkire, Murray Mansfield Ashbaugh, Ralph Culver Bennett, James Edward Connor, Jr., John Henry Crippen, Joseph Earl Daily, Charles Wesley Darling, George Robert Dexter, Leroy Emerson Eastman, Edward Earl Garlick, Alexander Hamilton, Jr., Stephen Goodloe Jackson, David Arthur Wilson, Harry Faber White, Frederic A. Shaffer, Gerald Freeman Sibley, John Randall Powelson, Jas. Francis T. O'Connor, Arthur Eugene Morton, Arthur Lauren Maltby, Wesley Cornell Martin, Arthur Burke Moontz, Frank Roy Hurlbutt.

James Woods Green Chapter of the University of Kansas, at Lawrence, Kansas, April 17, 1909, with the following charter members: Maurice Allendorfer, Arla Rey Baum, Edwin Elder Brookens, Foster Cline, Homer J. Conley, John Connelly, Merle C. Groene, Edward E. Haney, Frank S. Kenny, Benj. H. Matkins, Vale L. Nance, John J. Riling, John W. Robertson, Jr., Arthur H. Seedon, F. Keith Clevenger, Gordon A. Badger.

The Tenth Convention was also held at Chicago, and like all its predecessors, was the greatest in the history, for at no time since Phi Alpha Delta was established has there been a convention at which the National Officers were not able to report the addition of at least one Chapter, but the Tenth Convention showed the Fraternity in an unusually flourishing condition. The following Supreme Officers were elected: Samuel J. Roberts, Supreme Justice; Edward J. Flem-

ing, Supreme Vice Justice; William Prentiss, Jr., Supreme Recorder; Thomas Lindskog, Supreme Financial Secretary; John Doyle Carmody, Supreme Treasurer; Paul C. Meier, Supreme Historian, and Noah Gullett, Supreme Marshal. Because of Brother Prentiss' inability to act, he requested the Supreme Executive Board to appoint an assistant Recorder, and Bro. Edward J. Hess was named acting Supreme Recorder, Louis A. Cambridge, chairman of the Board of Tribunes, and John A. Brown and Malcolm H. Clark, members of the Board of Tribunes. During their administration, more chapters were organized, being as follows:

Thomas Jefferson of the University of Virginia, at University, Va., on March 26, 1910, with the following charter members: Chauncy D. Ferguson, William E. French, George R. Greis, Isaac R. McQueen, Charles K. Seaman, Jr., Gaston A. Shumater, Jr., William M. Storm, Lloyd M. Robinette, Alphonso C. Philpotts.

Julius C. Gunter of the University of Colorado, at Boulder, Colo., April 29, 1910, with the following charter members; B. Malcolm Erickson, A. W. Fitzgerald, Carl T. Lichty, John B. O'Rourke, John F. Parrish, A. A. Parkhurst, Merritt H. Perkins, Raymond J. Venables.

Hannibal Hamlin Chapter of the University of Maine, at Bangor, Maine, May 27, 1910, with the following charter members: Frederick P. Adams, James P. Adams, James W. Booth, Wilfred G. Conary, Charles W. Dow, Oscar H. Emery, Carl F. Getchell, Daniel I. Gould, Arthur A. Greene, Brad D. Harvey, Leigh I. Harvey, Charles B. Hosmer, Ralph M. Ingalls, Frederick B. Littlefield, John B. Madore, William D. Owens, Elisha S. Powers, Howard B. Rand, Thomas E. Sullivan, William H. Sweeney, Bertrand T. Spencer, George R. Sweetser.

The Eleventh Convention, after tinkering with the Constitution, as seems to have become the custom, and making some changes, among them being the increase of the number of National Officers, by the addition of a second Supreme Vice Justice and an Editor-in-chief, elected the following officers:

John Doyle Carmody, Supreme Justice; Edward J. Fleming, 1st Supreme Vice Jus-

tice; J. F. T. O'Connor, 2nd Supreme Vice Justice; Edward J. Hess, Supreme Recorder; James McKeag, Supreme Financial Secretary; Frank G. Adams, Supreme Treasurer; Paul C. Meier, Supreme Historian; Oscar W. Hoberg, Editor-in-chief; Paul D. Highbee, Supreme Marshal, Board of Tribunes; Frank E. Rutledge, chairman; Henry R. Saltmarsh and Harry L. Risinger.

The twelfth annual convention may well be termed the "Insurgent" convention. A great many amendments to the Constitution were presented at this time. With one or two exceptions, practically every one was rejected. The most important ones passed were those allowing Alumni Chapters the right to one vote on the floor of the convention, and providing also that only one Alumni Chapter could be placed in each city. Another provision was that providing that members who dropped out of school and afterwards returned, did not lose their active standing in the Fraternity by reason of dropping out, but could, upon re-entering school, assume their old duties.

At this time a committee was appointed for the incorporation of Phi Alpha Delta, to act and report back at the next annual convention.

Supreme Justice Carmody reported that four active Chapters had been installed during the previous year, namely, Corliss, North Dakota; Ross, Los Angeles; Holmes at Leland Stanford; Temple at University of California.

Alumni Chapters were organized in Chicago, New York, Portland, and Washington Chapters represented were: Blackstone, Story, Fuller, Webster, Marshall, Ryan, Magruder, Campbell, Garland, Hay, Benton, Capen, Chase, Williams, Hammond, Lawson, Rapallo, Taft, Calhoun, Green, Jefferson, Gunter, Hamlin, Corliss, Ross, Holmes, Temple.

The following officers were chosen for the succeeding year: John Doyle Carmody, Supreme Justice; James F. T. O'Connor, First Vice Supreme Justice; Henry R. Saltmarsh, Second Vice Supreme Justice; Edward J. Hess, Supreme Recorder; James McKeag, Supreme Financial Secretary; James P. Aylward, Supreme Treasurer; Paul C. Meier, Supreme Historian; Oscar W. Hoberg, Editor-in-chief; Conger G. Roads, Su-

preme Marshal; Board of Tribunes, Floyd M. Stahl, Chairman, James J. Cherry, Elbert C. Middleton.

The convention in 1912, which was the Thirteenth Annual Convention of the Fraternity, seemed to be overcome by the heat of the Chicago summer, and spent a great deal of the convention time outside the convention hall.

The Supreme Justice reported that Staples Chapter at Washington and Lee University has been added to the roll, as had also the Alumni Chapter in Kansas City, Missouri.

The committee on incorporation reported back that they had incorporated Phi Alpha Delta Law Fraternity under the laws of the state of Illinois and the District of Columbia and recommended that each chapter incorporate as ——— Chapter of Phi Alpha Delta Law Fraternity, under the laws of the state in which it is situated.

It was at this Convention that the work was formerly started for the 1915 convention to be held at San Francisco.

The old question of the ritual arose at this convention and a committee was appointed to draft a new one.

The chapters represented were: Blackstone, Story, Fuller, Webster, Marshall, Ryan, Margruder, Campbell, Garland, Hay, Benton, Capen, Chase, Williams, Hammond, Lawson, Rapallo, Taft, Calhoun, Green, Jefferson, Gunther, Hamlin, Corliss, Ross, Temple, Holmes, Staples, Chicago Alumna, Portland Alumna, New York Alumna, Washington Alumna, Kansas City Alumna.

The Fourteenth Convention of the Phi Alpha Delta Law Fraternity was called to order at the Hotel Sherman, Chicago, Illinois, on the twenty-seventh day of June, 1913, at ten-thirty o'clock A. M., by Edward J. Hess, Supreme Justice. A great deal of legislation was introduced at this convention. One new chapter appeared on the roll call, namely, the Hughes of Denver University. The credential committee reported the following chapters as represented at the convention: Blackstone, Story, Fuller, Webster, Marshall, Ryan, Margruder, Campbell, Garland, Hay, Benton, Capen, Hammond, Chase, Williams, Rapallo, Lawson, Temple, Staples, Hughes. Alumna: Chicago, Portland, New York City,

Washington, Kansas City, Los Angeles, Cincinnati, Cleveland, Grand Forks.

As had been the custom at previous conventions, and as will undoubtedly be the custom of conventions to come, a great deal of time was spent in discussing the publication known as the *QUARTERLY*. Petition of Oklahoma University for membership in Phi Alpha Delta was taken up and thoroughly discussed. The convention deferred action on the matter, preferring to allow the petition to go before the various chapters and be accepted in the regular order. Several minor colleges throughout the country applied for admission, but all were turned down because the scholarship requirements were not up to the standard.

An attempt was made at this convention to bar any one belonging to a high school fraternity from the ranks of Phi Alpha Delta. This drastic action, however, was defeated, but a resolution condemning high school fraternities was passed.

Perhaps the most important piece of legislation adopted was the rule changing the power of the chapter to black ball the petition of a fraternity for membership in Phi Alpha Delta. Under the new rule, it requires three black balls instead of one.

The first step toward a ritual embodying the views of lawyers and literary students was taken at this convention. Nothing definite, however, was done, except the general discussion of merits and demerits of the ritual, but not until a later convention was definite action taken along this line.

After receiving reports of the officers showing the fraternity to be in the very best condition that could possibly be hoped for, the following officers were elected: Supreme Justice, James Alyward; First Supreme Vice Justice, Edgar A. Jonas; Second Supreme Vice Justice, John J. Wilson; Supreme Recorder, C. G. Roads; Supreme Financial Secretary, C. B. Adams; Supreme Treasurer, G. C. Peacock; Historian, Paul C. Meier; Editor-in-chief, Oscar W. Hoberg; Board of Tribunes, James McKeag, John Doyle Carmody, and Edward J. Hess.

The all important work of the convention held in Chicago in 1914, was the decision to divide the country into sections and have

each section turned to districts. Each district was to have its own officers and to hold conventions. The national convention was to be a biannual instead of an annual affair, the last annual convention to be held in San Francisco in 1915.

[Now begins an account of things down to 1919.—Ed.]

The Sixteenth and last Annual Convention of the Fraternity at San Francisco in 1915, hailed the beginning of a transition period in the organization from the old order of things to the new. With a period of two years to look forward to, before the problems of another national meeting, the newly elected board was now expected to divide the Fraternity into five provinces, install the province or district system and organize same, evolve a new ritual, improve the Quarterly, print a new directory and finance everything! It was much indeed to project.

For the first time in our history, the supreme officers were elected from widely separated localities. After their first meeting in Chicago in February, 1916, it was agreed that the work would have to be carried on by correspondence largely, as frequent meetings of the seven members of the Supreme Board were out of the question. The treasury was empty.

After careful study and consideration, the board published in the January, 1916, Quarterly a map showing the completed and adopted plan which divided the country, for fraternal purposes, into the five districts which now exist. These approximations met with general approval of the chapters, when the difficulty of the task and the objects sought were understood.

The next task was to organize these districts and with such end in view five chairmen were appointed by Supreme Justice Stewart, with authority to call assemblies in their respective districts, summer sessions being recommended to further the social side of the order, which had suffered from the intensive business sessions that had always resulted at national meetings. These chairmen, as finally selected were—Central District, Wm. E. Helander (of Chicago); Eastern District, Geo. S. Myers of Cleveland, Ohio; Western District, Frank M. Ludwick of Kan-

sas City, Mo.; Atlantic District, Wm. S. Culberson of Washington, D. C., and Pacific District, Rex G. Hardy of Los Angeles.

Coincident with this work, Supreme Historian O'Connell began the publication in 1916 (March QUARTERLY) of a brief history of the Fraternity. A ritual committee was also appointed, consisting of brothers B. M. Chipfield, M.C., of Canton, Ill., and past Supreme Justices Jonas and Carmody, of Chicago and Washington respectively. Preparation of a directory was then begun by the Historian at Denver. The first report system of the chapters was inaugurated and quarterly reports were filed until 1917, being the forerunners of the present plan. A voucher system was also installed for the use of the supreme officers.

The close of the colleges in 1916 June, witnessed the admission of three new chapters, to wit: John Marshall Harlan, University of Oklahoma; James Clark McReynolds, University of Tennessee, and Robert W. Livingston Chapter at Columbia University.

Meanwhile, the five District Assemblies all duly convened in June and July, 1916, and demonstrated the success of the plan. Some of them specially featured the outing and all passed upon certain questions of interest submitted by the Supreme Justice. A report of their sessions in detail will be found in the November, 1916, Quarterly.

During all of the year 1916, Supreme Justice Stewart had been working on the draft of a new constitution, for it was realized from the beginning of the administration that the existing one had outlived its usefulness. This draft was submitted to the Supreme Executive Board at Chicago, December 31st, 1916, and with some amendments thereto, was ordered submitted to the various chapters for preliminary ratification, in anticipation of the expected convention which would fall due and was set for July 12th to 14th, 1917, at Chicago. Notice of same was given and the hotel picked for the occasion.

The ritual committee, having accomplished nothing, was ordered discharged, and a new one was appointed, consisting of Frank F. Messer, of Iowa City, Iowa, (Chairman); Nelson R. Anderson of Seattle, and Robert E. Lee of Denver, Colo.

In a campaign to boost the *QUARTERLY*, prominent alumni throughout the United States were appointed as "Editor's Agents" to stir up enthusiasm and take subscriptions.

Things were beginning to look bright for P A D. International events were, however, beginning to make it look dark for the world! From the position of observers of the European situation and conflict we were beginning to realize that our own horizon was becoming obscured. The Mexican embargo had led our militia on a fruitless chase across the border and convinced the entire nation that we were unprepared. The emergency movement to meet this situation found Phi Alpha Delta in the vanguard. Supreme Justice Stewart, upon intimations received from one of our brothers, an officer in the Marine Corps at Washington, D. C., that law graduates were in demand and could obtain commissions if qualified, communicated with Major General George Barnett, commandant, and word of the opportunity to our members was published in the March, 1917, *QUARTERLY*. The office of our Supreme Justice at San Francisco thereafter became a sort of recruiting station and literature was received first hand and forwarded to all parts of the country. Many P A D's found useful and fitting opportunities for themselves in this manner, and the demand was so great that some went in without the requirement of graduation. The war was on!

May 28th, 1917, the Supreme Executive Board postponed the July convention and pulled itself together for the shocks which were to come. The Supreme Recorder, Brother Conger G. Roads of Cleveland, had been at Fort Bliss on the Mexican border for some time. He had been carrying on his correspondence from training camps and when he found the effort to be too much, he recommended Brother Geo. S. Myers, of Cleveland, Ohio, to act as temporary Recorder and from early in 1917, the "Acting Recorder" assisted Brother Roads, later superseding him in active work entirely on account of Road's departure with the A. E. F. for France. At this time it was not known of course whether there would be any registration at all in the law schools in the fall of 1917. Most of our members were already in training camps, and chapters melted away to nothing. The *QUARTERLIES*

dwindled to the size of bulletins. Phi Alpha Delta was marking time. It was still hoped that a convention could be held at the end of the year, but when the fact was realized that it would not be fair to chapters and would not be representative in character, it was abandoned. It was even doubtful at this time whether a Supreme Board meeting could be held, owing to absence of officers. At this critical juncture, Brother Glenn E. Miller of Portland, the efficient Supreme Financial Secretary, asked to be relieved of duty as he was compelled to go to Washington to take up war work. Letters and wires failed to fill the vacancy and Supreme Justice Stewart decided to call a board meeting at Chicago for the 29th of December, 1917, to act on the situation. Obtaining a leave of absence from the San Francisco Legal Advisory Board, the Supreme Justice went to Chicago, where he found the members of the board unable to convene. He at once assumed extraordinary powers to keep the Fraternity functioning and appointed Frank E. Rutledge of Chicago as successor to Brother Miller. The directory was off the press but undistributed at Denver. To meet this problem, a selling organization of alumni was formed at Chicago and allotments of the directory were forwarded to various parts of the country.

The ritual committee, through its efficient chairman, Brother Frank F. Messer, of Hammond Chapter, intermittently pursued its duties. It was decided to combine the issues of the *QUARTERLIES*, instead of abandoning the same entirely, and during the war period we never suspended the *QUARTERLY*, saving in the above manner. A chapter survey was inaugurated and efforts made to obtain data for a possible convention. District Assemblies were due in 1918 and they were accordingly encouraged to convene if found to be financially and geographically able. Chapters were urged to safeguard their records at all hazards. The publication of an honor roll was begun in the *QUARTERLY* and efforts made to acquaint members with each other's whereabouts abroad. This was the general trend of events in 1918. In November of that year, Brother Rutledge found himself unable to further carry on the labors of his office and the Supreme Justice cast about for a successor. A former delegate to the San Francisco convention and an indefatigable worker, Brother George K. Brasher of Kan-

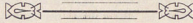
sas City, was offered the position. As Brother Myers, the acting recorder, had also asked to be relieved, and the proposed constitution provided for a combination of the three secretarial and financial offices of the Fraternity, the Supreme Justice thought it to be a good time to experiment with the new plan. Brother Brasher was accordingly asked to take on all of the work and Brother Hart, the Supreme Treasurer, was asked to cooperate with him as far as possible.

In the meantime the armistice was signed. The combination officer, Brother Brasher, who was known as the acting secretary, found himself with fragmentary chapter reports, but P A D was still alive and functioning. No Supreme Executive Board meeting had been held for a year and none was in sight. The board had carried on its correspondence by mailing duplicate letters to members and comparing opinions. It was arduous but successful, and it showed the

possibilities. When the year 1919 was half over and no relief for the Supreme Officers who remained was in prospect, the administration that had held office for four years,—longer than any previous set of officers,—thought that something had to be done. There was in fact but one thing left to do and that was appeal to the entire Fraternity, particularly the alumni, for assistance. There was no money to hold a convention and without it no relief was in sight. Brother Stewart volunteered to handle a countrywide campaign for funds and from this time forward the entire Fraternity was circularized with appeals to make possible the end sought. Contributions flowed into the Treasury and the close of the campaign found some \$1692 in the "Reconstruction Fund." This, with the current income, made possible the 1919 convention and the adoption of the new proposed constitution and ritual at Chicago, December 29th to 31st of that year.

[To be continued.]

KNOX CHAPTER INSTALLED



Phi Alpha Delta Law Fraternity can well congratulate itself on its acquisition of PHILANDER C. KNOX CHAPTER. Last February I received telegraphic instructions to inspect and investigate the proposed petitioners for a charter to be located at the University of Arizona, at Tucson. Gleaming white and warm looking, on the Southern Pacific Railroad, some six hundred miles east of Los Angeles, and about sixty miles north of the Mexican border, lies Tucson, (pronounced "Too-sahn"), and called by poets, "The Rose of the Desert." The city has a population of some twenty-five thousand people, has an elevation of about two thousand feet, and is well known as a winter and health resort.

The State University contains in addition to the Law College, the Colleges of Letters, Arts and Sciences, Mines and Engineering, and of Agriculture. The campus, I should say contains sixty or more acres. The buildings are mainly of red brick and stone and very attractive looking. The students number about two thousand with about seventy-five in the law college. The University and the Law College stand high, not only in Arizona, but throughout the Pacific Southwest.

Some years ago a group of law students at the University formed a club, for mutual benefit, naming it the "Davis Law Club" after Dr. Robert McNair Davis, a member of the law faculty. The idea caught hold and stuck and the club progressed, and last winter, under the able tutelage of our brothers in Arizona, began to think about affiliating with a National law fraternity. Much credit is due to Brothers K. B. Peterson (Holmes), Ben Mathews (Campbell), Webb Shadle (Livingston) and Campbell (Marshall) for the impression of P A D which they radiated. So much depends upon the standing and character of alumni when undergraduates seek admission to our fraternity. I found all those brothers well loved and looked up to. Two brothers were students in the law college and must have played the game in order that the petitioners might have the splendid impression of P A D that existed. The brothers were Glover (Gunter) and Jerman (Hughes). The petitioners had well considered the legal fraternities of the country and had determined upon P A D. The compliment to us must be accepted when it is remembered that no other fraternity existed in the law college.

My investigation revealed twenty men of unquestioned character, ability and standing in the University, with most of them members of social and academic fraternities of national prominence, and I very promptly reported to the Supreme Executive Board, and as a result the formal petition of the Davis Law Club was presented to the fraternity. As you all know there were no objections and the charter was issued.

Supreme Justice Fawcett, then on his swing over the country, met me in Tucson, and with the able assistance of Brothers Shadle, Peterson, Mathews, Jerman and Glover, the installation was perfected and PHILANDER C. KNOX CHAPTER joined the fold.

The report of the installation would not be complete without reference to the courteous assistance given the petitioners and the installation team by our brothers on the law faculty at Arizona, namely Professors Curtis of Lawson Chapter and Swinford of Holmes Chapter. The personnel is right, the school is right, and KNOX CHAPTER, I know will prove to be a valuable addition to us.

REX HARDY.

Chapter Letters too late for last Quarterly

McKINLEY CHAPTER

McKinley Chapter held initiation on April 24 at the Chittenden Hotel. The following men were initiated: Walter R. Snider, Circleville, Ohio; Walter C. Dunigan, Parkersburg, W. Va.; Alva W. Bachman, Bowling Green, Ohio; Scott A. Belden, Akron, Ohio; Edgar A. Silbaugh, Lancaster, Ohio; Cable M. Gibson, Nelsonville, Ohio; Cameron Meacham, Pittsburgh, Pa.; John Wood Seely, Waterford, Ohio.

Following the initiation, the annual banquet was held in honor of the new members. Brother Markley Frankham acted as toastmaster and introduced Assistant Attorney General William D. Dunifon, of Chase Chapter, and Herman Krickenberg, of the United States Veterans' Bureau. The follow-

ing alumni were present: Bros. Young, Marburger, Allebaugh and Frankham.

The Chapter sent two delegates to the Eastern District Assembly held at the John Hay Chapter at Cleveland. Brothers Lewis A. Seikel and C. Russell Younger represented this chapter. Brother Seikel was elected District Treasurer. They hereby express their appreciation for the unusual hospitality extended them while there.

The regular election of officers was held May 2. The following were elected: G. L. Dixon, Justice; R. J. McKibbin, Vice Justice; D. T. G. Lum, Treasurer; Chester P. Fitch, Clerk; A. W. Bachman, Marshall.

Fraternally yours,

C. RUSSELL YOUNGER.

BENTON CHAPTER

Yes, Benton Chapter had quite a time on May 25th. The occasion was the initiation of Maj. Gen. Ely as an honorary member of this chapter.

The program started with a dinner for our honorary members and some of our more distinguished alumni members. The dinner, (and it was some swell feed), was given at the chapter house and served along with various musical selections by Tutt's Famous Quartet. As long as a quartet with their ability is around there is not going to be a dull moment and they held out for a couple of hours.

Our visitors were shown around our chapter house and all of them bestowed compliments that we will long remember. But with due modesty may I say that Benton Chapter knew they would be pleased.

We are very thankful to Mrs. Grace Nelson McTernan, who so very graciously sang several selections for us. I don't remember the names of the selections but it isn't the song that makes music but it is the singer.

She was very ably accompanied by our own Urban A. Schick and he is a high class piano pounder in any man's league.

Honorable O. H. Dean, one of our most active honorary members, delivered the principal address of the evening and with the style and pep that has made him one of the leading lawyers of this country.

Justice Roberts presented the insignia of membership and a key to Gen. Ely. And the general's response showed that he is not only a good soldier but also a very good speaker.

Justice Roberts stated that "It is not you (Gen. Ely) that is honored this evening but rather Benton Chapter and all the brothers of P A D."

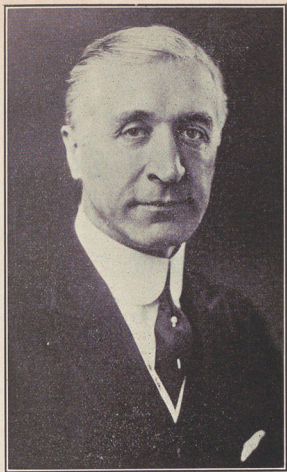
Gen. Ely then proved to us that he is a very brave man, by disputing Roberts' above quoted statement and further saying that "It is one of the greatest honors I have ever had bestowed upon me."

(continued on page 29)

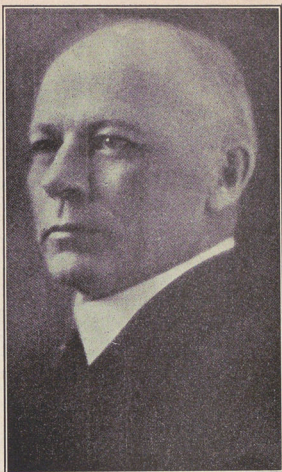
J. M. KENNEDY C. L. MCCOBB U. BERWING J. STAPLES, JR. W. LINTON R. E. DOWNS
 T. J. FINESEY H. M. HILTON E. M. WALSH J. P. ZOLL E. T. PARKS R. A. JOHNSON H. D. WALLACE
 R. M. MURRELL J. L. LINDA J. H. VAN WORMER S. C. ZICK J. D. WISE R. B. TRELSID

Phi Alpha Delta
 Law Fraternity
 Blackstone Chapter
 1925

Photo by Russell Studio Republic Bldg., Chicago



Hon. HOUSTON THOMPSON
Member of the Federal Trade Commission. Honorary Member.



Brother HARRY K. ALLEN
Dean of the Washburn College of Law.



Major General ELY, Honorary Member.



Brother GEORGE FINK
Author of an article in this Quarterly.

The Tuttle Endowment Fund

February 28, 1923.

Mr. Frank M. Ludwick,
General Secretary,
Phi Alpha Delta Law Fraternity,
444 Lathrop Building,
Kansas City, Missouri.

Dear Brother Ludwick:

It is only on rare occasions that I feel any need or desire for riches. Occasionally situations arise which cause me to feel that I should like to do more for my family or for some of the organizations with which I am connected, than I am able to do from my modest income. One of the things I have been thinking about lately is that Phi Alpha Delta ought to start a trust fund to which members of the Fraternity might make gifts, the money to be held by the officers of the Fraternity for the use and benefit of the Fraternity in such a lawful way as the donors might limit and direct. There is a wonderful opportunity for brothers who have more of this world's goods than they need for themselves and their immediate families, to do something which will be of service so long as time shall last. There would be opportunity for them to make the gift fit their own peculiar sentiments and desires. For example, they could give it outright to the Fraternity or leave it so that the income therefrom could be used in such manner as the officers of the Fraternity from time to time might direct, or it could be given in the form of a scholarship to pay the expenses of some deserving young man through a certain law school, or the expenses of such a young man on other conditions. It might be limited to graduates of a certain university or to those entering a certain chapter of Phi Alpha Delta. The selection might be left to the officers of the Fraternity or to the members of a certain chapter. I am not attempting to define what ought to be done by any particular brother but am simply pointing out the unlimited opportunity furnished to the members of Phi Alpha Delta by such a trust fund. I think perhaps it would be well to have the trust fund so defined that all moneys contributed to it should be the ac-

tual property of Phi Alpha Delta and that the principal of such fund could never be used except to be invested in gilt edge securities according to the laws regulating the investment of funds of savings banks in the state where the investment was made, the limitations placed on the funds by the donors to be confined to the income received therefrom.

A brother who was able to make such a contribution could feel and know that during all the years to come and long after he had passed off the field of activity, the income from his contribution would go on doing good along the particular line of desired assistance. I have no doubt that if such a trust fund could be created, at first it would go slowly, but as the years went on it would get larger and larger and like the snowball, would increase more rapidly as its own size became greater. Our membership is now comparatively young, but nothing is so sure as the time clock. We are all going to get older and some of our brothers will get richer. If they don't make any direct gifts during their lifetime, some day they will be drawing their wills. Some of them might like to make contributions by a paragraph in their wills. I believe it is worth while for the laws of Phi Alpha Delta to provide a safe pocket bearing some certain name, into which the generosity of our membership can from time to time flow and out of which can come an ever increasing income which will ultimately be the pride of Phi Alpha Delta and do a good of such magnitude as to be really worth while.

I am not trying to use exact and definite language such as would be necessary for the creating of such a trust fund, but simply to convey the thought which I have in mind. It would be a fund into which brothers who were wealthy could find a ready and safe place for doing much good for those not so fortunate in worldly goods. It would be an unusual opportunity for them to contribute their mite where the little which they were able to do, added to a little from many other brothers, would accomplish a thing worth while for our Fraternity. I am certain that

there are many of our brothers scattered about the country who for sentiment's sake as well as for actual results, would be glad to contribute something to such a fund.

While I think that such a fund ought to be provided by our constitution and laws, I believe that the officers of the Fraternity could create such a fund and get it started. Believing that if this is done it will result in the constitutional enactment which I have suggested, I am enclosing herewith my check to your order for a hundred dollars which is my modest contribution for the purpose of planting a seed which I hope will grow and develop into something worth while. I wish I was able to do more for the Fraternity and to make this sum much larger. The amount hereby contributed is so small that in and of itself it would not be worth considering. I believe, however, that if it results in creating such a trust fund and the enactment of laws relative thereto, it will be like the acorn which later on became the mighty oak. I feel very certain that if this fund is created, our laws are made favorable to it and our membership is advised relative thereto, the time will come,—perhaps not during our

lifetime, but during the years of the next generation, when this fund with its accumulations will pass the million mark, and the income from it will be doing wonderful things in the name of Phi Alpha Delta.

I do not wish to add any limitations to the small amount hereby contributed except this, that the principal shall belong to Phi Alpha Delta as a trust fund which can only be invested as already explained, the income to be used in any way the officials of the Fraternity direct. I hope that the other brothers will add to this fund at an early date, in order that we may encourage the enactment of the proper laws. I hope that many will be able to give larger sums than that which I have contributed. On the other hand, I hope that those who do not feel able to send a check for more than a dollar to the General Secretary will not withhold it because it is small. It is one of those things where the little done by many will accomplish much.

Very cordially and fraternally yours,

ARTHUR J. TUTTLE.

Enclosure.

Office of General Secretary September Bulletin

(The bulletin is reprinted here for the benefit of Alumni)

The Supreme Board takes this occasion to welcome all brothers back to the activities of the school year 1923-24. May your individual achievements be many and such as to contribute to the honor of the fraternity.

This should and will be one of the most interesting and important years of our fraternity life. Among other things this is "Convention Year" and we confidently expect this to be the biggest and best of our history. We now number 44 chapters, 43 of which are in good condition, not to mention our alumni associations. We honestly feel that we have surpassed all our former rivals, in organization as well as other things. The time has now come and it will be the work of the

19th convention to be held in Washington, D. C., December 29-30-31st to adopt a policy for the fraternity, to lay out a program for us to follow for the next few years. In this connection we will need the counsel of the thinkers of the fraternity, the experience of our alumni. Let us have a large representation of men who are deeply interested in our progress. While the convention will afford a splendid opportunity for pleasure and the forming of friendships that will last throughout the years to come, yet these things are incidental, and we must bear in mind that there will be work of vital importance to the fraternity and use care in the selection of delegates that representative men be sent.

Among other things will come the much discussed question of per capita tax. Past Supreme Justice Rendigs, now Chairman of the Board of Tribunes, is now working on a plan to establish and administer a fund for the assistance of chapters to purchase or build fraternity houses. At present our per capita tax is somewhat larger than is needed for the present administrative expense. Shall we decrease it or extend our efforts to greater achievements? I mention this as one of the many important questions which now confront us, many more of which I will tell you in the near future.

We are planning on two special pullmans, one starting from Kansas City and the other joining us at Chicago. This will give additional time and opportunity for fraternization by the delegates of the western and central chapters.

The ordinary routine work and the additional work incident to the convention will cause me to be very busy this fall. The assistance of chapter officers is solicited in the rendition of reports and the prompt payment of fees thus materially assisting in efficient administration. Your attention is called to the fact that reports and per capita taxes are due October 15th, which means they should be sent not later than October 10th.

An early issue of the QUARTERLY will acquaint you with the installation of Knox Chapter at the University of Arizona, with the minutes of the summer meeting of the

Supreme Board in Milwaukee, with Supreme Justice Fawcett's visit to the Pacific District, preliminary convention plans and many other interesting topics. Chapter letters will not be included in the first issue, but Editor Humble will doubtless welcome any news items.

The ritual committee is working on an amended ritual to be submitted to the fraternity in convention. In the meantime it has become necessary to reprint the present one. If you need copies to replace old ones they will be forwarded to you upon request of your chapter and receipt of the old ones you now have.

So little advantage was taken by chapters of the opportunity to purchase embossed stationery through this office that it has been deemed advisable to discontinue this service. Form sheets for the clerk's minute book will be forwarded to you as ordered without expense.

It is hoped that the printed instructions in the clerks' and treasurers' books will be of benefit to the new officers in familiarizing themselves with their duties for the coming year. If in addition to the above and the constitution the undersigned can be of any service to your chapter or the officers thereof, it will afford me pleasure to do so.

Sincerely and fraternally yours,

FRANK M. LUDWICK,

General Secretary.

Minutes of the meeting of the Supreme Executive Board

Phi Alpha Delta Law Fraternity, at the Milwaukee Athletic Club, Milwaukee, Wis., August 7th and 8th, 1923.

The meeting was called to order by Supreme Justice Frank L. Fawcett. Present, Frank L. Fawcett, Supreme Justice; Frank M. Ludwick, General Secretary, and George E. Fink, Tribune (by invitation of Supreme Board); absent, H. W. Humble, Editor-in-Chief.

The first business to come before the board was a written report from Supreme

Historian Dwight H. Green upon the directory. This report was read and discussed by the board as well as many other things pertaining to the directory.

Moved by Ludwick that a Directory Committee be appointed by the Supreme Justice to assist Supreme Historian Green in an advisory capacity, and to authorize the General Secretary to pay out money necessary to the

publication of the directory upon vouchers countersigned by the officers of the committee. Motion carried and the following were appointed by Justice Fawcett, George E. Fink, Sam H. Roberts, Henry L. Chatroop and Homer A. Dodge, Dwight H. Green to be chairman of said committee.

The Supreme Board indicated to Brother Fink its ideas upon the form and substance of the directory and requested that he convey them to the above committee with the information that such were suggestive only and that it was the desire of the board that all matter pertaining to the directory from now on be left to the decision of Historian Green and the members of his committee.

Moved by Brother Fink that an official number be assigned to every member of the Fraternity by the General Secretary in rotation beginning with the older chapters, these numbers to be printed opposite members' names in the directory; numbers to be hereafter assigned as members are initiated and official record to be made thereof; exception to the above assignment to be made in the case of those assignments heretofore made through jewelry purchases. Referred to Directory Committee.

Recommended by Supreme Board that the size of the Directory be the same as the size of the Quarterly.

Recommended that the Directory be ready for distribution not later than December 1st, 1923.

The General Secretary was instructed to request Past Supreme Justice Rendigs to prepare article on Warren G. Harding for the QUARTERLY; also to write to Brother W. H. Taft for a letter upon Harding's death.

Brother Fawcett introduced resolution upon the death of Brother Warren G. Harding which was read, ordered spread upon the minutes and a copy mailed to Mrs. Harding.

Moved by Brother Ludwick that the 19th Convention of Phi Alpha Delta Law Fraternity be held on December 29th, 30th and 31st of December at Washington, D. C., as directed by the 18th National Convention. Motion carried.

Moved by Brother Ludwick that Supreme Justice Fawcett appoint a chairman of Convention Committee the remainder of the

committee to be selected by the chairman but to include the Justices of Taft and Jay chapters. Motion carried.

Brother Ludwick was instructed to arrange, if possible, for a special pullman to leave Kansas City for Washington, D. C., to be joined by another special pullman in Chicago and to induce all possible delegates to arrange to make their plans to make the journey to the convention in these cars.

The General Secretary was instructed to take up with the Convention Committee the matter of hotel reservations for the convention.

Moved and carried that a resolution be presented to the 19th Convention establishing an endowment fund to be known as the Tuttle Endowment Fund in honor of the first contributor to such fund. The General Secretary was instructed to prepare constitutional provisions to protect such fund and submit same for action by the next convention. It was suggested that the General Secretary communicate with Brother Tuttle and ascertain his views regarding the consolidation of the above mentioned fund with a contemplated fund for the assistance of chapters in the purchasing and building of chapter houses, upon a plan for which Past Supreme Justice Rendigs is now working.

The General Secretary was instructed to prepare for submission to the next convention, constitutional amendments to:

Reduce the per capita tax to six dollars.

Retain the present seven dollars per capita tax and distribute a fixed portion thereof to the building fund.

Retain the present seven dollar per capita tax and distribute a fixed amount thereof to the building fund and a fixed amount to the district organization to which the chapter belongs paying same.

To establish and administer a Building Fund.

Increasing the bond of the General Secretary.

To amend section removing the office of General Secretary therefrom and providing for a longer term with compen-

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Tribute to Warren G. Harding

delivered at Madison, Wisconsin, August 24th, 1923

by Brother Frank L. Fawcett, Supreme Justice of Phi Alpha Delta

To me there is no hour upon our program as sacred as this—no hour which calls to the surface more strongly the feeling of the immortality of the soul, which in the breast of every citizen does burn, than this, this hour in which Wisconsin does honor to his memory and pays a tribute of respect to our departed brother.

This service undoubtedly had its inception in a memorial sentiment, but Mr. President, to be true to the sacred memory of Warren G. Harding, this service must prove to be an inspiration.

We decorate the memory of Mr. Harding with tender tears and loving sentiments and it is well, but what is more important we decorate the souls of the living with noble thoughts and high resolves—and, unless when we leave this gathering here tonight we have a deeper desire to think more kindly, to act more charitably, to walk more humbly and fervently with our God, to remove race hatred and religious intolerance; unless we have a deeper desire to iron out the wrinkles of care, to transform sobs of sorrow into jewels of joy; unless we have a deeper desire to make hearts lighter, homes happier and America a better country in which to live, then this memorial has been held in vain.

The sacred calm that settled o'er this fair land of ours on the ill-fated eve of August 2nd as the fading sun shed for him its farewell beams, when his self-sacrificing soul winged its final flight above the tossing waves of the Golden Gate—and this calm which followed that heroic figure, that Joan of Arc of the funeral caisson, his loved and loving wife, in that sad, silent, solemn, trans-continental funeral cortege; wafted as it was on the wings of love, surrounded by the fragrance of friendship flowers—this calm which focused and held the heart strings of the American people and the peace-loving, justice-seeking people of the world, ought to impress upon our minds the solemn thought

that man does not live for himself nor for the present alone. Nothing could so fix this dominant thought in our minds as to witness the citizenry of this entire nation standing with bowed heads and bleeding hearts around his sacred shrine in Marion, Ohio. Nothing could so emphasize the dignity, the honor and the glory of supreme self-sacrifice. Mr. Harding was a martyr on the altar of a country's cause. Self-sacrifice was the keynote of his noble career and it will be the keynote of my remarks.

In fact upon an occasion like this I would much prefer if 'twere possible in a humble way to fan a flame of living ambition rather than to lay a glittering chaplet on a cold and silent grave. Upon an occasion like this we are always reminded of the stanza in Grey's "Elegy,"—

"Can storied urn or animated bust
Back to its mansion call the fleeting breath?
Can Honour's voice provoke the silent dust
Or flattery soothe the dull cold ear of death?"

It is with the hope that we may learn the message of self-sacrifice that I speak here tonight.

To live in the minds of those we love is not to die. To a life dedicated as was Mr. Harding's, to charity, to justice, to brotherly love and fidelity, the grave is but the flower bed to a life more beautiful. From such a grave shall spring the inspiration to nobler deeds, to kinder thoughts, to better lives. Nothing good ere lived and died is forgotten. No angel ere was added to the angelic host save that which lived again and did its blessed work in the lives of those who loved it here. So shall it be with him. President Harding still lives.

Well may we pause and pay this tribute. Well may we pause, calling to mind his many little unremembered acts of kindness, of love, of self-sacrifice. His life came as a benediction into one of the most trying times in the history of this republic. My friends,

when Mr. Harding became President the world was still marching to the sound of sighs, of sobs and of sorrows. The days were days of terror and of turmoil, days of doubt and of danger, as have been the days which followed wars since the dawn of time. Yet through these troubled seas, through the rocks and shoals of unrest and dissension, this dauntless captain guided the Ship of State into the calm harbor of peace.

Here was a lover of peace. Here was one who abhorred war. With his great heart bleeding for a sorrow he could not assuage, with trembling tone and tearful eye as he gazed on the heroic dead returned from "the fields where the poppies grow," President Harding exclaimed, "This shall not occur again." His every deed, his every word, his every thought was toward the establishment in this country and in the world of the God-given message which was sung o'er Bethlehem's plains, "On Earth Peace, Good Will Toward Men."

My friends, as a tribute to his honesty of conviction, to his integrity, to his vision, there shall rise among the peace-loving people of the world a sentiment favorable to, and which shall result in, the establishment of a world court. If wrongs between cities and states can be adjusted through judicial procedure, then too shall nations subscribe to this peace producing solution. As Mr. Harding said to us at Washington last year when he was initiated into our law fraternity, Phi Alpha Delta:

"Since God is God and right is right,
Then Right the day must win,
To doubt would be disloyalty,
To falter be a sin."

Mr. Harding was right—the opponents to the world court are wrong,—

"Tis coming now that glorious time,
Foretold by seer and sung in story
For which when thinking was crime
Souls leaped to heaven from scaffold's gory.
They passed—but lo the glorious work they wrought,
Now the crowned hope of centuries blossom,
The lightning of their living thought,
Is flashing through us, brain and bosom,
'Tis coming, yes 'tis coming."

But my friends the story of his life is too well known to require comment here. Born in poverty in an obscure country town in Ohio, his early life fostered the inherited ideals which later found expression in a full orbed character. He was as gentle as spring, as loving as summer, as bounteous as the days of autumn, yet as stern and courageous as the biting frost of bleak December. He wore no mask; he loved the truth; he hated the false. Editor, Governor, United States Senator, President—such was his rapid rise from obscurity to fame, from poverty to power.

His messages to the American people on his last trip, proud as to the past, profound as to the present, prophetic as to the future, shall become as sacred to the civic and political life of our nation as are the Ten Commandments to the Christian world.

It is idle talk for me to eulogize Mr. Harding. For centuries unborn poet and orator shall lavish upon him their pathos and their eloquence. Pulpit and press shall contend in their generous tribute of praise. History records no manlier man.

Ladies and gentlemen, may we not tonight re-dedicate ourselves to the principles for which he stood. As he eloquently said in his western speech, "The danger which confronts this republic today is not an invasion of a foreign foe, but rather a careless, selfish, indifferent disregard of the duty which we owe to our government and to our fellow men." Too many men today talk about beautifying the city who allow their own back yards to grow up in weeds. Too many men enjoy the shade of the giant oak who would not plant a tree that succeeding generations might recline in its shade. Too many men talk of civic virtue and purity in public life who would not give one hour a week for the formation of a club which has for its object the edification and enlightenment of a misguided public. Too many men criticize the officials who do not know the names of the candidates at the last election. Too many people who are among us, but not of us—people who do not form a part or parcel of our government. There are too many in this country for whom Old Glory does not contain enough red, but I believe the time is not far distant when those for whom Old Glory does not contain enough red, they shall

no longer be permitted to worship beneath its beneficent folds. Then, too, there are a class who seek to divide our people upon racial and religious lines. As I looked over the roster of your heroic dead I saw there the names of the Jew, of the Gentile, the Catholic and the Protestant, and I thought if they are the subjects of the draft in time of war they shall not be made the objects of religious intolerance in time of peace. There is no place in this republic for any empire, whether that empire be invisible or otherwise, and any movement which seeks to divide our people upon racial or religious lines is inimical to the best interests of our republic and a menace to our institutions.

Living for one's country does not mean the singing of its patriotic songs but having and feeling incumbent upon one all the duties and obligations of citizenship. It does not mean merely marching with "files on parade," but marching to the still voice of your conscience far removed from the plaudits of the crowd. It isn't what you say on July the Fourth, but what do you do on July the Fifth. It isn't what we may say of President Harding here tonight, but what do we do to carry on and perpetuate the principles for which he stood. Living for

one's country means being willing to clean up your own back yard; to plant a tree that succeeding generations might recline in its shade; being willing to erase racial and religious intolerance; being willing to help the weak, to curb the strong; being willing to see that every man gets an equal chance before the law; being willing to place your manhood above your money, character above commerce, self-sacrifice above self-indulgence. This is the message of self-sacrifice, and this is the message which our Honored President brings to us tonight.

My friends, in closing I want to leave with you this thought, President Harding still lives. He has gone to join, as George Eliot has said, "That choir invisible made stronger by his presence." He is there at the banquet hall writing the place cards for us who shall soon follow him. He has gone to join the martyrs of ages past, and today he holds communion with Bruno, Cervetes and Campanella; Socrates, Hypatia and Savanarola, and greater than all these, tonight Warren G. Harding, citizen and Christian, soldier and statesman, martyr and man, holds communion with America's immortal triumvirate of martyred presidents, with Lincoln, Garfield and McKinley.

Minutes of the meeting of the Supreme Executive Board, Phi Alpha Delta Law Fraternity, at the Milwaukee Athletic Club, Milwaukee, Wis., August seventh and eighth, 1923.

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sation to be fixed by Supreme Board. (Brother Fink requested to prepare such amendment.)

Considerable discussion was had upon the organization of the Supreme Executive Board, it being the opinion of those attending

the meeting that too few members of the Fraternity were acquainted with and interested in the government of the organization and that some change should be made whereby the Fraternity would receive the benefit of the advice and counsel of a greater number and at the same time more members would be trained for executive offices. Various methods of accomplishing this were suggested and it was decided that before the next convention some plan should be evolved and submitted to the convention for action thereon.

There being no further business the meeting adjourned.

Provisional Conference of Law Fraternities

On February 2 and 3, 1923, representatives of six law fraternities met in conference at the Hotel Sherman, Chicago, Illinois, at the invitation of Sigma Nu Phi Legal Fraternity. The invitation was dated January 10th, 1923, and was signed by Carlyle S. Baer, Lord High Chancellor, and Frank L. Peckham, Grand Custodian of the Seal, of that Fraternity, which had been previously advised by correspondence that the invitation if extended would be accepted by the fraternities participating.

The real purpose of the conference was to consider the advisability of forming an association of legal fraternities and to inaugurate such an association if found feasible.

As stated in the letter of invitation, it was "not the purpose of Sigma Nu Phi to define the scope of such conference but rather to leave this to be the subject of suggestions to be exchanged in the expectation that the spirit of friendship and a recognition of common ideals and objectives will govern the development of harmonious and helpful relationships looking to the promotion of a common cause."

The law fraternities participating and the names of their accredited representatives were as follows:

Phi Delta Phi—Ruffner Campbell, Member of Council; Asheville, N. C.

Phi Alpha Delta—Frank M. Ludwick, General Secretary, formerly District Justice, Western District, Kansas City, Mo.; George E. Fink, member Board of Tribunes, formerly Supreme Treasurer, Ex-president Chicago Alumna Chapter, Chicago, Ill.; Allan T. Gilbert, District Justice, Central District, Ex-president Chicago Alumna Chapter, Chicago, Ill.

Delta Theta Phi—William H. Thomas, Chancellor, formerly Master of the Rolls, Cleveland, Ohio; George Banta, publisher, former Executive of Phi Delta Theta and one of the founders of the Interfraternity Conference, Menasha, Wis.; Eugene Quigley, Ex-chancellor, Cleveland, Ohio.

Gamma Eta Gamma—John D. Lynch, High Chancellor, formerly President Detroit Alumni Chapter, charter member Zeta Chapter, U. of Mich., Detroit, Mich.

Sigma Nu Phi—Jarvis Butler, member Executive Council, formerly Lord High Chancellor, Grand Master of the Rolls, editor of *The Owl*, Washington, D. C.; Edward A. Smith, Lord First Vice Chancellor, formerly Chancellor of Taft Chapter, Detroit, Mich.; Albert V. Vorkeller, formerly associate editor of *The Owl*, Chicago, Ill.

Sigma Delta Kappa—C. H. Anderson, President, Chicago, Ill.; C. H. Lundquist, Chicago Alumni Chapter, Chicago, Ill.; Alex. Koehn, Vice Chancellor, Chicago Alumni Chapter, Chicago, Ill.

The delegates or representatives were seated at the conference table in the order of the seniority of the fraternities represented. Mr. Jarvis Butler, representing the sponsor fraternity read an address of welcome and briefly outlined the principal objectives contemplated in the original proposal. In the course of Mr. Jarvis' address he said: "This is not a convention of remorse nor a session of sorrow, nor is it a council seeking to re-make the fraternity system. It is rather a coming together of the fraternities representative of all spheres of activity in the legal profession to apply the better attributes of each, to minimize the faults of all. Speaking on behalf of Sigma Nu Phi, as official sponsor for the invitation, I think I may say the call is not of Sigma Nu Phi alone, but rather the desire of each organization here represented thirsting for better relationship, the advancement of a new spirit of comity, and seeking a medium for helpful co-operation. We harbor no fears, we have no issues to serve. We suspect no unfair competition. We contemplate or apprehend no invasion of the respective rights of each. We seek nothing which belongs to another and wish only to do with you that finer, nobler thing which no fraternity can do alone. Just as effective in the direction of better feeling is the consciousness that the problems of fraternity administration and of

fraternity life are the same for all. All have exactly the same questions to answer and the same problems to solve. The man who is elected to an office of influence is glad to get suggestions from the experience of his predecessor. The man who undertakes a business enterprise, if he is a business man, profits by the successes or failures of others in similar undertakings. Fraternity officials and fraternity members are in exactly the same position and can well afford to learn from those formerly called rivals. In one sense all men are brothers, but in actual practice they are not. It is impossible to regard all men equally. The members of a family are dearer to one another than outsiders are to them. People banded together in some organization are dearer to one another usually than people who are not in any organization. So, men with common interests and ideals are bound closer than men with other interests and ideals. All this is as it should be. But our first duty is to our own family—to our own fraternity. However this need not breed selfishness. The best that is in men is brought out by association with others. In such association altruism takes the place of selfishness. Both the opportunity and the inspiration for unselfish action are furnished by association." Mr. Butler quoted from *The Palm of Alpha Tau Omega*, as follows: "The college fraternity has been compelled to seek new ideals. It is no longer a literary society or a social club. The drift is towards democracy, no matter from what angle you approach it. We do not gauge a fellow by the lavishness of his expenditures or by the reverberations of his neckties, but by his contribution to the common life of the college. To cling to aristocracy is to drive an ox team along the Lincoln Highway. The fraternity that clings to the ideals of snobbish superiority, of class distinction based on mere exclusiveness, has failed to adjust itself to the changing ideals of today, and it will fail to hold, or in the future to gain, the confidence and respect of the college world. The broader democracy which is the basis of modern social service, has become fundamental in fraternity ideals." Continuing, Mr. Butler said:

"The professional fraternity has always had a more serious mission than to merely offer social activities to the undergraduate. We believe it involves the entire life of our

members from the development of a professional spirit among undergraduates, through the stages wherein we supplement the law school by the encouragement of high scholarship, into the field of active practice where our standards may be carried to aid in raising those of the bar as a whole. To such extent as possible, the mere knowledge that the practitioner is a fraternity trained man should be at once a guarantee of his steadfastness and true worth, integrity and character. It should make him eligible to fill any position within his profession and the award of the law and create a demand for his services because of this efficiency, thoroughness and superiority, always rendered with credit to his fraternity, to his clients and to himself.

If we can indoctrinate in the local chapters a stricter observance of the true ideals of the professional fraternities, and keep working along that line, we shall discover before long stronger fraternities, stronger chapters, and stronger friends of our system. We are met for a service to the profession. In proportion to our belief in our cause we have an opportunity to work for its advancement. The greatest assurance of accomplishment of this end will be found in exchanges of simple honesty and directness. I hope, therefore, for the accomplishment of much good by this conference and for a unanimous sentiment for a common recognition of a useful service to our members of the present and of the future. Such an accomplishment will be an added achievement to your fraternity and to mine."

Following his address, Mr. Butler was chosen chairman of the meeting and Mr. Everett Hicks, of Gamma Eta Gamma, was chosen secretary. The spokesman of each delegation was requested to inform the conference of the extent of the authority of his delegation and from the responses it was apparent that all were limited to considering and recommending to their respective fraternities such action as they believed desirable or advisable. After general discussion the meeting recorded its opinion that an association to be known as "The Conference of Law Fraternities" with advisory powers would be helpful in promoting the common objectives of all.

A committee composed of Messrs. Eugene Quigley, Delta Theta Phi; J. L. Berns, Gamma Eta Gamma and George E. Fink, Phi Alpha Delta, was appointed to draft a constitution for the consideration of the conference. This committee reported back the next day with a proposed constitution and bylaws, which underwent considerable discussion and amendment, but the result was the approval of a constitution and bylaws for transmission to the several fraternities represented with recommendation for its ratification.

By resolution the officers of the provisional organization were requested to serve as such pending the ratification of the required number of fraternities to bring the Conference of Law Fraternities into being and thereafter until the next meeting of the conference. By further resolution it was agreed that notice of the ratification be accompanied by the required contribution of \$50 to be forwarded to Mr. Butler, at Washington, D. C. The conference was informed that the next convention of each fraternity represented was scheduled to be held prior to the month of January, 1924. To meet the expenses of the meeting, each fraternity through its delegates contributed \$25, the same to be regarded as an advance credit against the \$50 contribution required to accompany the ratification of the constitution for the purpose of confirming its membership. It was also understood that in event of failure to ratify, the sum would be regarded as a voluntary contribution toward the expenses of the meeting. The conference adjourned to meet again at the call of the chairman within sixty days after the last of the fraternities represented shall have adjourned its next convention. It was recommended that the next meeting be held at Cleveland, Ohio.

Whether or not the Conference of Law Fraternities is to come into being, depends upon the action taken by the respective fraternities at their next conventions, article XII of the proposed constitution providing that it shall be in effect from and after the date on which four fraternities "which have participated in the meeting held at Chicago on February 2nd and 3rd, 1923, shall have signified in writing their ratification of their representatives' action at said conference, and of this constitution, and have accompanied such written ratification with a \$50

contribution to the Secretary-Treasurer of this conference." The officers of the conference as provided by the proposed constitution shall be a president, vice-president and secretary-treasurer and an executive committee to be elected annually by a majority vote of the conference. No two of any such officers or members of the executive committee shall be of the same constituent member fraternity.

The chairmen of the following standing committees shall be appointed annually by the president, the chairmen to select their respective associates, not more than one member from each fraternity:

On Plan, Scope and Membership.

On Conduct and Co-operation in the Law Schools.

On Publicity.

On Chapter Housing and House Rules.

On Local Interfraternity Councils.

On Alumni Relations.

On the Bar.

The membership of the conference will be made up of such law fraternities having representatives at the conference held in Chicago on Feb. 2nd and 3rd, 1923, whose membership shall ratify the constitution and such other law fraternities as shall have five or more active undergraduate chapters and comply with rules for admission.

The representatives of Phi Alpha Delta to this conference were well pleased by the type of men representing the other fraternities and lasting friendships were made by those present. Many very valuable ideas were exchanged. The Delta Theta Phi and Phi Alpha Delta Chicago Alumni Chapters tendered a luncheon to the fraternity representatives on Saturday, February 3rd, at the Hotel Sherman, and Chicago members of the six fraternities mentioned were present to meet the out-of-town members of their own fraternities and to become better acquainted with members of fraternities to which they did not belong. A very enjoyable time was had by all who took advantage of the occasion.

G. E. F. T

Extracts from the address of Brother I. Maurice Wormser on "The True Function of Schools of Law"

[We hope at some future time to be able to publish this excellent address in full.—Ed.]

I often think that the way I started out my legal career was better than the way it is done by most people today. I read Blackstone's Commentaries in the library of the old firm of Hoadly, Lauterbach and Johnson, and then, when I got done with Blackstone's Commentaries, the managing clerk gave me Kent's Commentaries, and said, "Read these." I got a breadth of view, an outlook, a vision that I could never have gotten from any course in any law school. I got a bird's-eye view,—and remember those great men did not confine themselves to mere law. They considered history, social usages, economics, and Kent even goes off every now and then into long philosophical disquisitions. I do not believe that is such a bad thing, and I think it gives you the law as a whole and gives you a bird's-eye view which you do not get in most of the law schools today.

Then, too, the curriculum is very narrow and altogether inadequate for modern needs. The curriculum of the law school must be broadened. But how can that be accomplished in the limited time? The only solution of that is the extension of the law school course to four years, and of the four years, at least the last year should be spent in a law office under professional guidance as well. A place should be provided in the curriculum for a consideration of such subjects as history, economics, sociology, philosophy, and ethics insofar as they relate to the legal subjects studied. How can the law of torts, for instance, be intelligently taught today without simultaneously studying the industrial relations between employer and employee? Take, for instance, the right to picket, or the rights of labor during a strike, or the extent to which an injunction may be employed. These are important questions of our social life, and the law student should be acquainted with them as an integral part of the groundwork of his legal education. The entire structure, as ably pointed out re-

cently by Mr. Hale of the Chicago Bar, is largely built upon a foundation of shifting sands. The background is more important than the knowledge of legalistic maxims, and that background is not provided.

There unfortunately is not time within the limits of this address to expand upon these considerations, though at some later date I hope to find the opportunity to do so.

The law school curriculum today, instead of expanding, is contracting. It is becoming more and more purely legalistic. It fails to take into account the most vital modern problems. By limiting the study to sheer legalistic reasoning, based merely on old decisions, it falls short of the demands of our profession, and still more serious, the demands of our community. The law schools fail to take into account the pragmatic considerations which are all-important and which are swaying our really great legal thinkers,—Justices Holmes, Pound, Cardozo, Carter, for instance.

The duty of the law school is to make of the student of law more than a mere technical legal reasoner along technical legalistic lines. There is a vital necessity of understanding the effect of law upon business, as well as on the social and economic life of the times. The law schools, and consequently the lawyers and the law today, erroneously treat all matters in terms of pure legalistics, not in terms of sociological and economic effects.

The true function of the law school is to afford a "sound point of view." That is the only thing a law school can successfully do. That is absolutely all the law school can do or should do. You cannot teach all the law; you cannot teach any considerable part of the law. From moment to moment you cannot really even know for certain what the law is. But you can give a sound point of view. The point of view as taught today is too

purely legalistic to accomplish the most successful results for the community.

If these suggested changes in the law school course were adopted, one result would be immediate. Technicalities would fade away into the region of long-ago, because the point of view of the bar would change, of the young man at the bar very speedily, and of the older men of the bench ultimately. A new point of view, and pragmatic as well as legalistic conceptions, would control the solution of all juridical problems. Questions of practice, wasting hours of time as to whether a man should make a motion under Rule 889 or under Rule 10,246, would disappear. We have today defied "technicality"; we have made "practice" our god, and we have too much overlooked common sense, the needs of the community, the wishes of the people. We have been tried in the balance and found largely wanting. We are not sufficiently accomplishing for the people justice,—justice apart from nonsense, from technicality, from sham and pretense, and from devotion to legalistic anachronisms.

The trouble, though, is with us, with the law schools, and not fundamentally with the bar or with the courts. To those of you

who have not read them, let me recommend two books, Judge Cardozo's "Nature of the Judicial Process," and Justice Oliver Wendell Holmes' "Collected Legal Essays." If nine-tenths of our law books were buried,—buried six feet under ground,—and the spirit of the other tenth and of these two books survived, we would have enough left, nevertheless, to build up a real and true American jurisprudence. For I am one who believes in the spirit, not in the letter, in the thought and not in the formalism.

The present legal process and spirit recall to me one of Alice's adventures in the world beyond the looking-glass. "Well, in *our* country," said Alice, still panting a little, "you'd generally get to somewhere else—if you ran very fast for a long time as we've been doing." "Slow sort of country," said the Queen. "Now, *here*, it takes all the running you can do to keep in the same place. If you want to get somewhere else, you must run twice as fast as that."

Ladies and gentlemen, that is the difficulty with our juridical process today. It is not enough to run; *you have got to run twice as fast.*

BENTON CHAPTER

(continued from page 15)

We all cheered lustily, for our justice is six feet, three inches, and has two hundred pounds to back up his statements, for which reason very few of us ever dispute him.

The evening was completed by the initiation of candidates Smith, Moore, DeMaria and Townley into Phi Alpha Delta and pleasant and 'very well satisfied' goodnites from our guests.

May our sister chapters have a very prosperous year and Benton Chapter will be with you in the next issue of the Quarterly and at the National Convention.

Faternally yours,

C. R. RITTMAN,

Clerk Benton Chapter.

Certification of Checks By Telegraph

What language in a telegram will be legally sufficient to constitute an acceptance of checks—An interesting study of our leading cases.

By George E. Fink

Counsel for State Bank of Chicago and former Counsel for Illinois Bankers' Assn.

The certification of checks, and particularly certification by telegraph, which is the subject matter of this article, presents some exceedingly interesting banking and legal problems.

Certification of checks, was unknown to the common law of England and America. It is peculiarly an American custom and came into use about 1850, having its origin among the bankers and merchants of New York who found it well adapted to commercial intercourse. The custom spread rapidly and today it is in use in every city and hamlet; and, in the words of Justice Swayne of the United States Supreme Court, "We could hardly inflict a severer blow upon the commerce and business of the country than by throwing doubt on their (certified checks) validity." *Merchant Bank vs. State Bank* 10 Wall. 604. It has been said that the custom of certifying checks created the law but that the law has stepped in and changed this custom in one particular at least, and in so doing has stultified itself by declaring certification in one case to be a thing in and by itself, unlike acceptance and having no counterpart in the rules affecting acceptance, while in another case it is recognized as an acceptance of a bill of exchange. *Am. Law Reg. (O. S.)* 50, page 133.

The words "certification" and "acceptance" are often used interchangeably and synonymously but, strictly speaking, there is no such thing as acceptance of checks. A check, being payable immediately and, on demand, the holder can only present it for payment and the bank must fulfill its duty to the depositor by paying the amount demanded. The holder of the check has no right to demand from the bank anything but payment of the check and the bank has no right as against the drawer, to do anything but pay it. 5. *Ruling Case Law* 516, citing *Van*

Buskirk vs. State Bank of Rocky Ford, 35 Colo. 142, 83 Pac. 778, 117 A. S. R. 182; *Metropolitan Nat. Bank of Chicago vs. Jones*, 137 Ill. 634, 27 N. E. 533, 31 A. S. R. 403, 12 L. R. A. 492.

The word "acceptance" in commercial law applies rather to bills of exchange and drafts than to checks, because a check, it is well settled, is an order upon a bank purporting to be drawn upon a deposit of funds for the payment, at all events, of a certain sum of money to a certain person therein named, or his order, or to bearer, instantly on demand. 5 R. C. 516. No particular form is necessary and it is generally held that a verbal acceptance is sufficient, but whatever the mode or form employed there must be enough to indicate the acceptance of the particular check. *Kahn vs. Walton*, 46 Ohio St. 195, 20 N. E. 203.

A bank, not being bound to certify checks of its depositors even though they have funds on deposit sufficient to cover checks when presented in person, it follows that it is not bound to accept by telegraph the checks or drafts of depositors. Its duty is to accept a draft or pay a check only on presentment. A bank relying upon a telegram as an acceptance or certification should see to it that the language used will fairly bear that meaning. Hence, an inquiry by telegraph, directed to a certain bank, asking if certain checks drawn by a certain person would be "paid if presented Monday" to which a reply was made "drafts named are good now" is not such an acceptance or certification by the bank as will bind it to pay such drafts on presentation. *Myers vs. Union Nat. Bank*, 27 Ill. App. 254. The court said, "There is a distinct implication in the words 'drafts named are good now' that the bank would not undertake to answer for the state of Snyder's (drawer) account be-

yond the moment when its telegram was sent."

According to the law of most of the states, certainly those which have adopted the Uniform Negotiable Instruments Law, "the acceptance must be in writing and signed by the drawee" and, although, as will be hereafter pointed out, there is a distinction between an acceptance and an agreement to accept, the result, so far as the answering bank is concerned, is the same for all practical purposes. There is no question but that a telegram sent by a bank is a writing sufficient to satisfy statutory requirements that acceptance must be in writing. The acceptance need not be upon the check itself but may be upon separate paper as provided in the Uniform Negotiable Instruments Law. The sections of this law applicable to our subjects are as follows:

"Where an acceptance is written on a paper other than the bill itself it does not bind the acceptor except in favor of a person to whom it is shown and who, on the faith thereof, receives the bill for value.

"An unconditional promise in writing to accept a bill before it is drawn is deemed an actual acceptance in favor of every person who, upon the faith thereof, receives the bill for value."

Telegraphic inquiries as to the validity of checks and drafts upon banks in other cities are quite common and frequently the reply by telegram, regarded as satisfactorily responsive by the inquiring bank, proves when tested in court to be legally insufficient to charge the drawee bank and in consequence divers losses are sustained. Sometimes the customer before leaving his home town advises his banker that he may have occasion to draw upon him while away and sometimes he draws without notice. Sometimes such telegram comes from the individual with whom the customer of the drawee bank was doing business and sometimes the inquiry comes from a bank which has been asked to cash the check of the customer of the first bank or mayhap the telegram is sent by the inquiring bank at the instance of its own customer who has dealings with the customer of the first bank. It is important for the cashing bank to be able to distinguish be-

tween telegraphic responses to such telegraphic inquiries.

A number of states have statutes, expressly providing that an acceptance of a bill of exchange, written on paper other than the bill, shall not bind the acceptor except in favor of the person to whom such acceptance shall have been shown, and who in good faith thereof shall have received the bill for a valuable consideration, and it is generally maintained that a bank check is a bill of exchange within the meaning of such statutes:

"Eakin vs. Citizens State Bank, 67 Kan. 338, 72 Pac. 874; Risley vs. Phoenix Banks, 83 N. Y. 318, 38 Am. Rep. 421; Baltimore etc. Co. vs. First Natl. Bank, 102 Va. 753, 47 S. E. 837; Seattle Shoe Co. vs. Packard, 43 Wash. 527, 117 Am. St. Rep. 1064, 86 Pac 845."

It will be sought to be pointed out in this article what language in a telegram will be legally sufficient to constitute an acceptance of checks and what language is legally insufficient. This can be most clearly and satisfactorily shown by a brief study of our leading cases on the subject from which we shall be able to discover the key or principle which will enable a bank to ascertain to a reasonable certainty whether the telegraphic response will bind the drawee bank. An inquiry: "Is John Jones' one thousand dollar check on you good?" answered by a telegram "John Jones' check is good" is not a good acceptance according to the weight of authority and if the check is cashed by the inquiring bank and the maker afterwards stops payment or depletes his account before the check is presented, he cannot hold the drawee bank liable upon such an answer. *First Nat. Bank of Atchison vs. Commercial Savings Bank*, 74 Kan. 606, 87 Pac. 746.

Any unconditional promise by a bank to pay a certain check then drawn, or thereafter to be drawn, makes the bank liable thereon to the person who holds and presents the check, having taken it with the knowledge of and in reliance upon such promise. Such promise may be made verbally or in writing; by letter, telegram or otherwise. Thus a telegram unconditionally agreeing to accept a persons draft or check for a certain sum "for stock" is not a conditional contract, but an absolute undertaking to accept and pay

it, and a person discounting such paper on the faith of such telegram is entitled to recover the amount from the bank thus agreeing to accept. In such case it is the duty of the latter to express clearly the condition of its acceptance if it is desired to make it conditional, and the burden is upon it to show it and not upon the holder of the check. *Coffman vs. Campbell*, 87 Ill. 98, 118 A. S. R. 351.

A promise by a bank to pay a check, drawn by a person for the purchase of a cargo of corn, communicated to the seller by the purchaser and by the bank and relied upon by the seller in taking the purchaser's check, sufficiently identifies the check and will support an action for the breach of the promise to accept and pay it. Citing *Nelson vs. First National Bank*, 48 Ill. 36, 95 Am. Dec. 510, 5 R. C. L. 520.

An unconditional promise by telegram to pay a certain draft or check constitutes an acceptance which is binding upon the bank making such promise. No particular form is necessary for such acceptance; it may be expressed in words, either verbal or written and it may be made before the paper is drawn or afterwards, or may be made by telegram. In *re Armstrong* (1890) 41 Fed. 381.

In this case the telegrams were as follows:

"Cincinnati, Ohio, June 20, 1887.

"To the Seventh National Bank of Philadelphia, Pa.

"Will you pay draft of Fidelity National Bank on you for \$15,000? Answer quick.

"W. W. Brown, Cashier Merchants National Bank."

The Seventh National Bank answered as follows:

"Philadelphia, June 20, 1887.

"Merchants National Bank, Cincinnati, Ohio.

"Will pay Fidelity National Bank Draft for \$15,000, at sight. L. D. Brown, President."

Upon receipt of this dispatch, the Merchants National Bank took said draft as cash, permitting its customer to check against it and forwarded it to Philadelphia for payment. The Seventh National Bank paid the

draft June 22, 1887, after it had notice of the failure of the Fidelity National Bank, which occurred on the 2d of June, 1887. It was claimed by the receiver that he was entitled to the balance to the credit of the Fidelity National Bank on the books of the Seventh National Bank at the date of the failure of the Fidelity National Bank in preference to the claim of the Seventh National Bank upon said \$15,000 draft. After charging said draft to the Fidelity National Bank on the books of the Seventh National Bank, the former was indebted to the latter in the sum of \$7,384.25 and since that time the Seventh National Bank had collected in paper in its hands up to the time of the failure of the Fidelity National Bank \$7,257.28 and claimed to hold the same on account of the balance due as above stated. The court in its decision said "The telegram from the Seventh National Bank to the Merchants National Bank answering the telegram from the Merchants National Bank was a valid acceptance of the draft. No particular form is essential to an acceptance. It may be expressed in words or implied from the conduct of the drawee and it may be verbal or written. It may be by a bill as drawn and it may be by telegram." Citing, *Daniel Negotiable Inst. Sec. 496*; *Bank vs. Richards*, 109 Mass. 414, *Coffman vs. Campbell*, 87 Ill. 98.

One of the leading cases on this subject is that of *Garrettson vs. N. Atchison Bank*, 39 Fed. 163, 7 L. R. A. 428 (1889). In this case one T, having purchased certain cattle, offered his check for \$22,000 in payment. The seller refused to accept it in payment or to part with the cattle until assured that the check would be paid, and therefore telegraphed the drawee asking if it would pay such check. The drawee answered: "T is good, send on your paper." When first presented, payment was refused, the reason assigned being "Want of funds." Subsequently the check was again presented and demand for payment made, which was refused on the ground that drawer "had countermanded the same." But it was held that the reply telegram constituted an acceptance and a contract to pay the check on presentation and that the drawee bank was liable therefor. The court in its decision said: "The statute recognizes what had already become the established common law rule, that the accept-

ance may be written on a paper other than the bill, and of consequence, it may be made by letter, also by telegram," and adopted the language of the court in *Bank vs. Howard*, 40 N. Y. Sup. Ct. 20, "The statute requires the promise to be in writing, but is silent as to the mode of communicating it to the party cashing the draft upon the faith of it. When it is in writing and thus acted upon, its mode of conveyance, whether by telegraph, mail or otherwise, affects no rights, and such effect must be given to it as manifest justice, and the exigencies of commerce call for in this class of communications." The Missouri statute provided that the acceptance of a bill of exchange must be in writing and that where the acceptance is on another piece of paper it will bind the acceptor in favor of one to whom it has been shown who takes it on the faith thereof for a valuable consideration.

This case was affirmed in *Garretson vs. N. Atchison Bank*, 47 Fed. 867. (1890) and reaffirmed in 51 Fed. 168, (1892) where it was further held that the bank, having agreed to pay such check, it could not legally refuse payment on the ground that the check when presented concluded with the words, "with exchange," no place of exchange being mentioned and such words being mere surplusage and of no effect.

An unconditional promise in writing to accept a draft or check, is a sufficient acceptance thereof in favor of every person who, upon the faith thereof, has taken the paper for a good consideration and a promise by the drawee to the effect that the draft or check will be honored, amounts to an acceptance and renders such drawee liable to an action by an assignee or endorsee thereon, for value.

James vs. Lyons Co., 134 Calif. 189, 66 Pac. 210; (1901) affirmed in 147 Calif. 69, 81 Pac. 275 (1905).

A binding promise to accept a non-existing check, to constitute a valid acceptance, need not describe it by its date and amount. It may be described in such mode merely that there can be no possible doubt as to the application of the promise to the check to be drawn, and a description of sufficient certainty could thus be made to apply to a series of checks as well as to a single one:

Nelson vs. First Nat. Bank, 48 Ill. 36, 95 Am. Dec. 510, 118 A. S. R. 352

The case of *Henrietta Nat Bank vs. State Nat. Bank*, 80 Tex. 648, 16 S W Rep. 321 (1891), involved a check for \$1,800 drawn on the *Henrietta National Bank* and offered to the *State National Bank* by an endorsee. The cashier telegraphed to the *Henrietta National Bank* as follows: "Will you pay E. F. and W. S. Ikard's check for \$1,800 on presentation?" The cashier replied on the same day by telegram: "Yes, will pay the Ikard check." Upon this the check was discounted and at once mailed to the drawee. Payment was refused and it was held that the description in the telegram with the reply, being acted upon, was sufficient in a suit by the *State National Bank* to bind the *Henrietta National Bank* in an action for failure or refusal to pay the check. It was also pointed out in this case that the practical difference between an action upon an acceptance and an action upon a promise to accept, is that the former may be brought by the holder of the bill, while in the latter case suit can only be maintained by the party to whom the promise is made.

In the case of *Farmers and Merchants Nat. Bank of Winchester vs. Elizabethtown Nat. Bank*, 30 Pa. Sup. Court Rep. 271, (1906), the *Farmers and Merchants Nat. Bank* wired the *Elizabethtown Nat. Bank* as follows: "Will you pay check J. K. Lehman \$900?" The *Elizabethtown Nat. Bank*, through its cashier, telegrapher to the *Farmers and Merchants Nat. Bank* as follows: "Will pay J. K. Lehman check nine hundred dollars." The plaintiff, relying upon the telegram, cashed the check, but the drawee bank refused to pay the check upon presentation, on the ground that the drawer had in the meantime stopped payment on it. The drawee bank was held to its acceptance.

The case of the *First National Bank of Atchison, Kansas, vs. The Commercial Savings Bank*, 74 Kan. 606 (1906), is another leading case on the subject. The facts were briefly as follows: J. F. Donald, having funds on deposit with the *First National Bank of Atchison, Kansas*, drew a check upon it for \$350, payable to *Maria C. Donald* or bearer, which he delivered to the payee. The payee endorsed and delivered the check to *C. B. Bennett*, who, in turn, endorsed and

delivered it to the Commercial Savings Bank of Adrian, Michigan. Donald stopped payment on the check before it was presented for payment, and the Michigan Bank sued the Kansas Bank for the face of the check and interest, claiming it had been accepted in writing and that it had been purchased for value on the faith of such acceptance. The petition in the case was framed on the theory that an acceptance was disclosed by telegrams as follows:

"Adrian, Mich., October 15, 1903.

"First National Bank,

"Atchison, Kansas:

"Is J. F. Donald's check on you \$350 good?"

"Commercial Savings Bank."

"Atchison, Kansas, October 15, 1903.

"Commercial Savings Bank,

"Orion, Michigan:

"J. F. Donald's check is good for sum named.

"First National Bank."

The defendant demurred to the petition, but demurrer was overruled and an objection to the introduction of any evidence under the petition was likewise overruled. The case was tried before a jury and a demurrer to the plaintiff's evidence was overruled. The court reserved the interpretation of the telegrams to itself but instructed the jury that if it believed that the plaintiff bank on being requested to purchase J. F. Donald's check for \$350, made inquiry of defendant bank by telegraph as set forth in the first telegram above quoted, and that the defendant bank answered the plaintiff bank's inquiry as in telegram secondly above quoted, and that the plaintiff bank bought said check on the faith of said telegram and paid a valuable consideration therefor, then the verdict should be for the plaintiff and against the defendant bank for the full amount of the check with interest; but, if the facts were found to be otherwise, then the verdict should be for the defendant bank. The verdict was for the plaintiff bank and judgment was rendered accordingly, with the result that an appeal was taken by the defendant bank and the decision reversed. The Michigan statutes then in force required that an acceptance of a bill of exchange must be in

writing, signed by the drawee or his lawful agent, and that if it be written on paper other than the bill it should not bind the acceptor except in favor of the person to whom such acceptance had been shown and who, in faith thereof, should have received the bill for a valuable consideration. The court held that the defendant bank's telegram did not amount to an acceptance; that the inquiry indicated no clear intention to extract from the bank any contract to pay independent of its duty to Donald; that it was entirely consistent with the expression of a simple desire for information relating to Donald's standing at the bank; that the telegram fairly meant, "Is J. F. Donald's account with you sufficient to make his check for \$350 good?" and that the answer was strictly responsive to the inquiry; that it indicated no clear intention to make Donald's check good when presented, whatever the condition of his account; that it was entirely consistent with the simple purpose to state Donald's standing at the bank on the day of the telegram; that it fairly meant: "Donald's account is now sufficient to meet a check for the sum named;" that the writings were not equal to the unambiguous and unequivocal "Will you pay?" and "We will pay." The court, in its decision, referred to the case of Kahn, Jr., vs. Walton, et al, 46 Ohio St. 195, 20 N. E. 203, where the inquiry was: "Are M. A. Walton's checks for two thousand dollars good?" and the answer was "Yes, sir," and the court held that an acceptance was not disclosed. The court also referred to the case of Cook vs. Baldwin, 120 Mass. 317, 21 Am. Rep. 517, where it was held that the words: "I will take notice of the above," written upon a bill of exchange and signed by the drawee, did not, of themselves, import an acceptance. The court also referred to the case of Bank of Springfield vs. First National Bank, 30 Mo. App. 271, where a check was offered in part payment of a draft. The financial standing of the maker of the check was not good and the bank holding the draft telephoned the drawee of the check, asking if it was good. The response was that the check was "all right." The maker's account was good for the check on that day and the next, but it was not presented until the second day after the telephone communication, and then after the maker had failed. The holder sued the

drawee, claiming a parol certification. In the opinion of the court, several reasons were given why the plaintiff should not succeed, but the controlling reason, stated in the syllabus, was as follows:

"A parol representation by the bank upon which a check is drawn that the check is good, is not equivalent to a certification and does not bind the bank to pay it whenever presented until barred by limitation; nor does it release the holder from the duty of proper diligence in presentment for payment. It binds the bank to nothing more than that the statement was true at the time when it was made."

The court, after reviewing other authorities, including the case of *Garrettson vs. North Atchison bank*, 39 Fed. 163 (*supra*), reversed the decision and remanded the cause with instructions to sustain the demurrer to the petition.

The case of *State Bank vs. Citizens National Bank*, 114 Mo. App. 663 (1905), disclosed the following facts: one Warren lived in or near Fox Lake, Wisconsin, and one Vandever lived in King City, Missouri. Vandever was in Wisconsin and purchased a horse of Warren for \$800. They went together to the plaintiff's banking house on May 30, 1903, where Vandever drew his draft on defendant in favor of Warren for \$800 with exchange. Warren endorsed it to plaintiff, who on the same day mailed it to defendant and on the same day telegraphed to the defendant this inquiry, "Will you honor draft J. L. Vandever eight hundred dollars?" Next day, May 31st, defendant answered in these words: "We will honor draft J. L. Vandever eight hundred dollars." This answer was received by plaintiff next day, June 1st, and having afterward on same day ascertained that the horse was shipped on cars to Vandever, plaintiff placed the sum of \$800 to the credit of Warren on its books. The question presented in the case was: Did the agreement of defendant with plaintiff to accept a draft for \$800 bind it to plaintiff as endorsee of a draft for that sum with *exchange*, the parties residing at different places? It was held that the acceptance and agreement to pay a draft for \$800 did not bind the drawee to accept and pay a draft for \$800 with exchange; that the bill as presented for \$800 with exchange, was not the

bill it had accepted for \$800. The court in its decision referred to the case of *Lindley vs. Bank*, 76 Iowa 629, where a Bank in Iowa telegraphed to the plaintiff in that case (who resided in California) that it "would pay Barro's draft on it for two thousand dollars." On receipt of the telegram Barro drew a draft for \$2,000 "with exchange on New York." The Supreme Court of Iowa held drawee not liable, the court holding that there was no distinction in principle in the two cases; that in one it was agreed to pay draft to be drawn for a certain sum, and in the other it was agreed to pay draft already drawn but stated to be for a certain sum, and in each the draft was for more than the sum agreed to be paid; that when one agrees to pay a draft yet to be drawn, he is not liable unless the draft be for that exact sum, and there can be no difference in his liability though the draft is already drawn, if he has no knowledge of the sum for which it drawn except through the false representation made by the party, with whom he makes his contract of acceptance.

The latest Federal case involving the question under consideration was decided by the Circuit Court of Appeals, 8th Circuit, August 18, 1922, entitled: *Flathead County State Bank vs. First Nat. Bank of Caledonia*, 282 Fed. 398. The telegrams were as follows:

"Polson, Mont., May 16, 1918.

First National Bank, Caledonia, Minn.

"We hold check of A. O. Myhre on your bank for ten thousand dollars. Is it good?

"Flathead County State Bank,

"W. J. Burke, Cashier."

"Caledonia, Minn., May 16, 1918.

"Flathead County State Bank, Polson, Mont.

"A. O. Myhre check for ten thousand dollars is good.

"First National Bank, Caledonia, Minn."

The defendant answered, admitting the telegrams and the presentation and protest of the check and making a general denial, and among other things alleged that the check was obtained without consideration, and by fraud and duress, and that the defendant had no knowledge of the consideration for it until after its date. The plaintiff necessarily

relied upon the supposed acceptance of the check. The Minnesota statute sanctions the acceptance of checks by separate instrument and, of course, by telegram. The court said that there was a dearth of circumstances to connect the defendant bank with the general transaction which gave rise to the issuance of the check and that the question of its liability must depend practically upon the language of the telegrams; and, to state it more accurately, whether the Minnesota bank thereby agreed to bind itself to make payment of the check involved in this controversy. The court said (page 401) "In the present case, the inquiry was whether a certain check was good and the answer was it was good. THERE WAS OMISSION OF ANY LANGUAGE EXPRESSIVE OF A PURPOSE TO HONOR THE CHECK. We are unable to construe the answer to that effect without other aiding circumstances. Standing alone it is technically an affirmation that the check of Myhre was worth its face at the time. The meaning, ordinarily, would be that the deposit account of the maker was then sufficient to meet the check. BUT THIS IS DIFFERENT FROM UNDERTAKING TO PAY IT, as would have been the significance of the act of formally accepting or certifying it....We are of opinion that there was no substantial evidence of a binding agreement on the part of the defendant bank to pay the check in suit and for that reason the trial court properly directed the verdict in its favor."

To the same effect as the foregoing is the case of *Colcord vs. Banco De Tamaulipas*, 181 App. Div. (N.Y.) 295 (1918) where it was held that a foreign bank, upon which a bill of exchange was drawn, on receiving a telegram from another bank which was contemplating the purchase of the bill, inquiring whether the defendant would pay a draft of the drawer for a certain sum of money, replied by telegram that "Draft C. Barreda, Municipal President Nuevo Laredo, for five thousand Mexican dollars is good," it did not thereby accept the draft and was not liable thereon; that the defendant reply meant only that the drawer had the amount of the draft at the time on deposit with the defendant and it did not bind it to hold the funds, or amount to an acceptance; that a drawee cannot be held liable upon a contract of acceptance external from the bill unless the lan-

guage used CLEARLY AND UNEQUIVOCALLY IMPORTS AN ABSOLUTE PROMISE TO PAY.

Suppose a bank, being asked by telegraph whether it will pay the check of its customer "T" up to a certain amount, telephones a message to the operator of the telegraph company, to be sent by wire to the inquiring bank that it will honor "T's" check for the amount. Can it be later successfully urged by it that there has been no written acceptance or certification of the check of the customer, the statute requiring the acceptance of checks and bills to be in writing?

This situation arose in Kentucky and the Circuit Court held that no recovery could be had because there was no written acceptance or certification by the defendant bank or an agent thereof as required by the Kentucky statute. On appeal, however, the Court of Appeals, held that there had been an acceptance in writing and that the telephoned message dictated to the telegraph operator was the same in effect as if an officer of the defendant bank had dictated the message of acceptance to a stenographer employed by the bank or to a public stenographer who had signed the name of the bank on a typewriter. *Selma Savings Bank vs. Webster County Bank*, 206 S. W. R. 206, (1918).

In passing, attention is called to the fact that an acceptance by telephone does not satisfy the Negotiable Instruments Act which requires an acceptance to be in writing, but a discussion of the cases so holding is not within the scope of this article.

In the case of *First National Bank of Dunn, N. C. vs. First National Bank of Massillon, Ohio*, 210 Fed. 542, (1913) the answering bank was rather guarded in its reply telegram, possibly seeking to avoid liability. The inquiring telegram read: "Will you pay W. Company checks fifty-nine hundred odd dollars?" and received a reply: "Answering yours. Forward your checks. They will undoubtedly be taken care of by the Company when presented." The plaintiff advanced \$5,921 on check of the W. Company and defendant was held liable to the plaintiff for the amount, the court holding that what defendant bank said in addition to "forward your checks" was not in direct answer to plaintiff's telegram. The court in the course of its decision said: "The question formu-

lated in plaintiff's telegram called for a plain, simple answer. All the defendant had to do was to make such an answer. It had in its power, and it was its duty, in fair dealing, to put the question beyond all possibility of doubt." The court referred to the case of *Scudder vs. Union National Bank*, 91 U. S. 406 (23 L. Ed. 245) quoting from the opinion in that case as follows: "It is a sound principle of morality, which is sustained by well considered decisions, that one who promises another, either in writing or by parol, that he will accept a particular bill of exchange, and thereby induces him to advance his money upon such bill, in reliance upon his promise, shall be held to make good his promise. The party advances his money upon an original promise, upon a valuable consideration; and the promisor is, upon principle, bound to carry out his undertaking. Whether it shall be held to be an acceptance, or whether he shall be subjected in damages for a breach of his promise to accept, or whether he shall be held to be stopped from impeaching his word, is a matter of form merely. The result in either event is to compel the promisor to pay the amount of the bill, with interest."

It is therefore well settled that where a bank, in response to an inquiry as to whether the check of a certain person for a named amount is good, says that it is, this constitutes nothing more than a statement that the drawer has, at that time, a deposit sufficient to meet the check and it is not an acceptance of the check by the bank. *Kahn vs. Walton*, 46 Ohio St. 195, 20 N. E. Rep. 203. (As to sufficiency of acceptance of bank check to bind drawee, both oral acceptance and statement of promise acceptance, see 11 Amer. and Eng. Annot. page 284).

In the Illinois case of *Meyers vs. Union National Bank*, 27 Ill. App. 254, the inquiry was: "Will drafts for thirty-eight hundred dollars, made by J. R. Snyder on you, be paid if presented Monday?" The answer was: "Drafts named are good now." The court said: "There is a distinct implication in the words 'drafts named are good NOW,' that the bank did not undertake to answer as to the state of Snyder's banking account beyond

the moment when its telegram was sent; that an acceptance is a contract and does not differ from other contracts in the essential requirement of a meeting of minds, and that a bank is not bound to accept by telegram the checks or drafts of its depositors although in possession of funds with which to pay. Its duty in such cases is to accept a draft or pay a check only on presentment. One relying on a telegram as an acceptance should see to it that the language used will, at least, fairly bear the meaning."

To the effect that there may be special circumstances where a reply telegram that a certain check "is good now" or "good today" may be held an acceptance, see the late case of *Conn et al vs. San Antonio National Bank*, et al, 249 S. W. Rep. 1045 (April 4, 1923). But such cases are rare and cannot be considered as changing or modifying the general rule as herein stated.

For a case holding that a telegram in A B A code advising of the existing condition of a depositor's account, replying to a telegram of inquiry in the same code, was not an acceptance of the check or a promise to pay it, see the case of *Night & Day Bank of St. Louis vs. First Nat. Bank of Shreveport*, 91 So. Rep. 405, (March 27, 1922).

The unquestioned weight of authority is therefore to the effect that the answer must be such as to constitute an unconditional promise to pay.

A mere statement in the telegraphic response that the check is good, or "good now" is insufficient. The draft or check must be accurately described in the telegram—a variation may be fatal. For instance, if the check is drawn "with exchange" and nothing is said regarding exchange in the telegraphic inquiry, the drawee bank, according to most cases, would be justified in refusing payment upon presentment by its customer. The telegram of the inquiring bank should be so worded as to BRING FORTH A PROMISE TO PAY and the reply, in order for it to be acted upon with safety, must either positively state that the drawee bank will pay or use such language that an absolute promise to pay can be clearly and unequivocally read into it.

Notes and Personals

OUR NEW SUBSCRIBERS

Andrews, H. M., Chicago.
 Bead, Otho, Oklahoma City.
 Butler, John F., Oklahoma City.
 Darroh, Donald, Oklahoma City.
 Farmer, C. C., Jr., Macon, Ga.
 Faris, Glenn W., Oklahoma City.
 Gibbons, M. M., Oklahoma City.
 Harman, Harry, Chicago.
 Harmon, Roy M., Chicago.
 Miller, Paul H., Chicago.
 McNeal, N. E., Oklahoma City.
 McQueen, I. R., Oklahoma City.
 O'Neal, Cecil, Oklahoma City.
 Powell, John C., Oklahoma City.
 Stewart, C. V., Chicago.
 St. Louis, Roy, Oklahoma City.

Membership rolls received too late for insertion in last Quarterly:

BENTON CHAPTER

1924 1 Bieg, R. J., Kansas City. Mo.
 1924 2 Burruss, Harvey, Independence.
 1924 3 Franklin, C. C., Independence.
 1924 4 Jaquin, N., Kansas City.
 1924 5 Jenkins, J. S., Kansas City.
 1924 6 Marshal, H. E., Kansas City.
 1924 7 Rheem, R. H., Kansas City.
 1924 8 Roberts, F. M., Kansas City.
 1924 9 Rose, C. C., Kansas City.
 1924 10 Wolfley, D. M., Kansas City.
 1925 11 Barry, R. B., Kansas City.
 1925 12 Bomar, T. J., Kansas City.
 1925 13 Clark, Neal L., Kansas City.
 1925 14 Cowan, Robert, Kansas City.

1925 15 Cunningham, H. C., Kansas City.
 1925 16 Darby, A. L., Kansas City.
 1925 17 East, Clarence L., Kansas City.
 1925 18 Hoffman, Walter, Kansas City.
 1925 19 McElroy, C. H., Kansas City.
 1925 21 Moore, Joseph, Kansas City.
 1925 22 Owens, J. K., Kansas City.
 1925 23 Paynter, C. A., Kansas City.
 1925 24 Pruyn, M. P., Independence.
 1925 25 Redmond, J. R., Kansas City.
 1925 26 Rittman, C. R., Kansas City.
 1925 27 Schick, U. A., Kansas City.
 1925 28 Smith, L. W., Kansas City.
 1925 29 Saunders, H. S., Kansas City.
 1925 30 Vardeman, P. E., Kansas City.
 1925 31 Wade, Frank, Kansas City.
 1925 32 White, Wm. J., Kansas City.
 1926 33 Barnett, Craig B., Kansas City.
 1926 34 Burke, James B., Kansas City.
 1926 35 Cashman, Wm., Kansas City.
 1926 36 Clevenger, Robert, Kansas City.
 1926 37 Dillenberger, Willis, Excelsior, Mo.
 1926 38 Giles, Kansas City.
 1926 39 Knight, J. R., Kansas City.
 1926 40 Rule, Joe, Kansas City.
 1926 41 Shay, William, Kansas City.
 1926 42 Swarner, E. B., Kansas City.
 1926 43 Torpy, Henry L., Kansas City.
 1926 44 Van Valkenburgh, R. C., Kansas C.
 1926 45 Wilkins, Otto L., Kansas City.
 1926 46 Bell, Wm. J., Kansas City.
 1926 47 Holmund, R. P., Kansas City.
 1926 48 Genner, Kansas City.

GREEN CHAPTER

1923 1 Hensley, Elbert, Wichita, Kan.
 1923 2 Lamb, Paul, Yates Center, Kan.
 1923 3 Sheffrey, David, Wichita, Kan.

- 1923 4 Neumann, Ernest, Coldwater, Kan.
 1923 5 Wasson, Roy, Viola, Kan.
 1923 6 Isern, Milton, Ellinwood, Kan.
 1923 7 Gard, George, Iola, Kan.
 1923 8 Davis, Fred, Kansas City.
 1923 9 Bradley, Orville, Cherokee, Okla.
 1923 10 Williams, Alfred, Preston, Kansas
 1923 11 Williamson, Blake, Edwardsville, Kan.
 1923 12 Beverly, James, Sylvan Grove, Kan.
 1923 13 Dutton, Lane, Erie, Kan.
 1924 14 Kramer, August, Independence, Mo.
 1924 15 Wolfenbarger, W., Marion, Kan.
 1924 16 Claude, Francis, Claudel, Kan.
 1924 17 Day, Lawrence, Onaga, Kan.
 1924 18 Rugh, Karl, Abilene, Kan.
 1924 19 Snell, Frank, Kansas City.
 1924 20 Ice, Fred, Clements, Kan.
 1925 21 Stevens, Richard, Lawrence, Kan.
 1925 22 Wunsch, Paul, Argonia, Kan.
 1925 23 Johnson, Thomas, Winfield, Kan.
 1925 24 Blake, John, Lawrence, Kan.
 1925 25 Top, Leonard, Oberlin, Kan.
 1925 26 Waggoner, Mark, Atchinson, Kan.

KENT CHAPTER

- 1923 1 Cramer, John W., Hailey, Idaho.
 1923 2 Colborn, Lyle M., Moscow, Idaho.
 1923 3 Moore, Latham D., Moscow, Idaho.
 1923 4 Gill, Gerald J., Moscow, Idaho.
 1923 5 Nixon, William J., Weiser, Idaho.
 1923 6 Eichelberger, F. R., Boise, Idaho.
 1923 7 Price, Vaughn A., Moscow, Idaho.
 1923 8 Kimmel, Rex, Moscow, Idaho.
 1924 9 Leitch, Robert E., Moscow, Idaho.
 1924 10 Moore, Louis A., Moscow, Idaho.
 1924 11 Cobby, J. Arnold, Vancouver, B.C.
 1924 12 Wilkinson, Glenn R., Twin Falls, Idaho.
 1924 13 Drake, Merle L., Challis, Idaho.
 1925 14 Bell, Walter G., Port Townsend, Wash.
 1925 15 Hagan, Alfred E., Moscow, Idaho.
 1925 16 Arnold, Winton, Prescott, Wash.
 1925 17 Penwell, Guy, Moscow, Idaho.
 1925 18 Smith, Edward O., Orofino, Idaho.

- 1925 19 Hudelson, R. Wayne, Gooding, Idaho.
 1925 20 Musser, John B., Filer, Idaho.
 1925 21 Thomas, Joseph J., Moscow, Idaho.

RUFFIN CHAPTER.

- 1923 1 Foster, J. W., Mocksville, N. C.
 1923 2 Herman, P. W., Conover, N. C.
 1923 3 Herring, P. D., Clinton, N. C.
 1923 4 Kiser, H. L., Bessemer City, N. C.
 1923 5 Abernethy, O. M., Charlotte, N. C.
 1923 6 Downing, D. G., Cedar Creek, N.C.
 1923 7 Monk, E. I., Asheville, N. C.
 1924 8 Holmes, C. C., Council, N. C.
 1924 9 McElroy, J. H., Marshall, N. C.
 1924 10 Kitchin, Reed, Biltmore, N. C.
 1924 11 Hampton, G. C., Chapel Hill, N. C.
 1924 12 Parsons, Paul G., Demopolis, Ala.
 1924 13 Cox, T. C., Asheville, N. C.
 1924 14 McRae, James, Fayetteville, N. C.
 1925 15 Allsbrook, J. R., Roanoke Rapids, N. C.
 1925 16 Cathey, S. M., Asheville, N. C.
 1925 17 Worsham, B. B., Reithsbend, Va.
 1925 18 Froneberger, Pinkney Carroll, Bessemer City, N. C.
 1925 19 Fountain, B. Eagles, Tarboro, N. C.
 1925 20 Phipps, L. J., Chapel Hill, N. C.
 1925 21 Bryson, T. D., Bryson City, N. C.
 1925 22 Poindexter, C. C., Franklin, N. C.
 1925 23 Singleton, G. D., Red Springs, N. C.
 1925 24 Bass, W. B., Tarboro, N. C.
 1925 25 Johnson, H. L., Burgaw, N. C.
 1925 26 Brown, V. W., Asheville, N. C.

On Wednesday, August 8, 1923, the funeral services for Brother Warren G. Harding were conducted in Washington, D. C. In the funeral procession, carrying the banner of the fraternity, were representatives of Taft and John Jay Chapters. The Supreme Board was represented by Brother Humble.

Addressed to Supreme Justice Fawcett:

Mrs. Harding deeply appreciates your message of sympathy and begs that you will express her sincere gratitude to those associated with you.

Mr. and Mrs. Alvin Enoch Ewing announce the marriage of their daughter, Doris Isabelle, to Vell Burrows Chamberlin, on Friday, the first of June, one thousand nine hundred and twenty-three, New York City. At home after October first, Ypsilanti, Michigan.

Please note my present address to be, Lieut. B. Van Moss, U. S. M. C. Keterix, The Strathmore Apts., Queen Anne and Harrison Sts., Seattle, Wash.

Graef & Arnold, counsellors at law, announce the removal of their offices to 80 Wall Street, New York, suite 1118-1120.

Herbert W. Kidd, Rex Hardy and Harry William Elliott announce the formation of a partnership for the practice of law under the firm name of Kidd, Hardy & Elliott, with offices at 618 Title Insurance Building, Los Angeles, Telephone 870-114.

Brother H. C. Stoa, whom the members of Livingston, Rapallo, Reese and Clay chapters will remember as a live wire, is now living in Los Angeles, 1445 Spaulding Avenue. Brother Stoa has recently been very ill from some lung affliction, but I am pleased to say is now on the road to recovery. The delegates of the 1921 convention at Kansas City will well remember the pep of Brother Stoa.

From Brother Ludwick: I have just received a letter from the clerk of the Hastings division of Temple Chapter in which he states that Brother Sullivan, class of '24, who is in attendance at Hastings succeeded in gathering in the Sheffield Sanborn scholarship offered to the most worthy student in the second year class and that Brother Jack Howard, class of '25, won the prize given to the best student in the first year, a set of leather bound Blackstones.

Mr. and Mrs. John C. Powell announce the birth of their son, John Coleman, Jr. Born the 7th day of May, 1923. Harlan '22, Okla. City Alum, '23.

Edward J. Nolan, Clifford A. Rohe and Herbert Freston announce the formation of the partnership of Nolan, Rohe & Freston for the general practice of law with offices in suite 511 Pacific Finance Building, Los Angeles.

Please note my change of address, this will be in force until further notified: "Major John D. Carmody, Q.M.C., Headquarters Panama Department, Quarry Heights, Canal Zone."

Same postal rate as in U. S. applies.

WHAT OF OUR ALUMNI ASSOCIATIONS?

Of our many Alumni Associations there are on file the names and addresses of the officers of NONE. Since the undersigned took office in December, 1920, he has collected the yearly fee of fifteen dollars from FOUR, two of whom were newly chartered. To whom shall delegates' credentials be sent? Will any Alumni Associations be represented in the convention or will all be unrepresented, or in bad standing? Will it be necessary for the next convention to undertake a wholesale revocation of Alumni Charters? Who can answer these questions?

FRANK M. LUDWICK,
General Secretary.

Don't forget the National Convention: Place, Washington, D. C. Time, the last three days of 1923.

Supreme Justice Hardy spent his vacation in Northern Arizona this summer, visiting the world famous snake dance given by the Hopi Indians, the Grand Canyon, the Petrified Forests and the Cliff Dwellings. He writes that he saw Dr. Marvin, the President of Arizona University at Wolpi where the snake dance was given, and that Dr. Marvin expressed himself as highly pleased with the installation of Knox Chapter at his University. Maybe Rex will tell us about the snake dance and the medicine they use for snake bite.

Names and addresses of charter members of Oklahoma City Alumni Chapter Phi Alpha Delta Law Fraternity:

- 1 Otho Bean, c/o Retail Credit Asso., Baum Bldg., Oklahoma City, Okla.
- 2 Rex Belisle, 217 Weaver Building, Oklahoma City.
- 3 John F. Butler, Mercantile Bldg., Oklahoma City.
- 4 Donald Darroh, U. S. Post Office Bldg., Oklahoma City.
- 5 Glenn W. Faris, 308 Harn Bldg., Oklahoma City.

- 6 M. M. Gibbens, Colcord Bldg., Oklahoma City.
- 7 N. E. McNeal, Supreme Court of Oklahoma, Oklahoma City.
- 8 I. R. McQueen, Colcord Bldg., Oklahoma City.
- 9 Cecil O'Neal, Mercantile Bldg., Oklahoma City.
- 10 John C. Powell, 308 Harn Bldg., Oklahoma City.
- 11 Roy St. Louis, U. S. Asst. Dist. Atty., Oklahoma City

OUR UNKNOWNNS

The following is a list of our lost brothers, whose cards were returned: "wrong address," or "address unknown." We must if possible find their addresses for the new directory. Please help, brother, by sending any information about them at your disposal, to our Supreme Historian, Dwight H. Green, 1430 Otis Bldg., Chicago.

BENSON CHAPTER, WASHBURN COLLEGE, TOPEKA, KANSAS.

Euler, Lahnoe H., Topeka, Kansas.
Gage, Walter R., Emporia, Kansas.
Thompson, William K., Topeka, Kansas.
Messick, Blanton F., Arenbrook, Kansas.

BENTON CHAPTER, KANSAS CITY SCHOOL OF LAW, KANSAS CITY, MO.

Becker, Edwin, Jr., Goffeyville, Kansas.
Bell, Wm. J., 105 Laurel St., Kansas City, Mo.
Brandon, Chas., 1st Natl. Bank Bldg., Kansas City, Mo.
Butler, Rome V., 1500 Grand Ave., Kansas City, Mo.
Coleman, R., 2506 Independence Ave., Kansas City, Mo.
Colyear, Jas. D., Merriam, Kansas.
Crowl, Leon M., Kansas City, Mo.
Darby, Andrew L., 2506 Independence Ave., Kansas City, Mo.
Davis, Guy F. R., 207 R. A. Long Bldg., Kansas City, Mo.
Diekman, Leo, 2506 Independence Ave., Kansas City, Mo.
Drier, Wm. L., James Bldg., Chattanooga, Tenn.
Eppes, Boyd S., Kalamazoo, Mich.
Hackler, Jas. M., City Hall, Kansas City, Mo.
Haliburton, Huel, 205 Ridge Arcade Bldg., Kansas City, Mo.

Henderson, Cree J., 511 Gibraltar Bldg., Kansas City, Mo.

Jones, Chas., 503 N. 12th St., Muskogee Okla.
McDonald, E. H., Scarritt Bldg., Kansas City, Mo.
McQuay, H. F., Kansas City, Mo.
Miller, Phil D., 5 E. 10th St., Kansas City, Mo.
Milton, Gilbert A., Kansas City, Mo.
Noe, Andy J., Woodstock Hotel, New York, N. J.
Ogilvy, Robt. S., 118 S. White St., Kansas City, Mo.
Rizer, Sam C., 2844 Flora Ave., Kansas City, Mo.
Small, Edwin W., 15 W. 9th St., Kansas City, Mo.
Sullivan, J. F., 820 Showell Ave., Kansas City, Mo.
Todd, Wm. J., Dallas, Texas.
Venn, Wm. S., 201 Insurance Bldg., Kansas City, Mo.
Wagner, Arthur F., 1024 E. 12th St., Kansas City, Mo.
Washburn, Daniel W., Kansas City, Mo.
Woods, Delos T., 714 Tracy Ave., Kansas City, Mo.
Woodson, Aytch, Marathon, Wis.
Woodworth, Chas. H., 3602 Windsor Ave., Kansas City, Mo.

BLACKSTONE CHAPTER, CHICAGO KENT COLLEGE, CHICAGO, ILLINOIS.

Ayc, Jos. H., 5 N. LaSalle St., Chicago.
Bail, Chas. T., Natl. City Bank, New York, N. Y.
Bay, Geo., 1300 Glen Lake Ave., Chicago.
Chanock, S. J., 823 Natl. Life Bldg., Chicago.
Cox, Donald Linner, Stroh Aluminum Co., Detroit, Mich.
Deutschman, A. A., 10 S. LaSalle St., Chicago.
Ganey, Harry J., Harris Trust Bldg., Chicago.
Garver, Lewis V., 139 W. Clark St., Chicago.
Gissell, B., 2913 Michigan Ave., Chicago.
Hahn, A., Union Trust Bldg., Chicago.
Hamlin, Robt. O., 736 N. Homan Ave., Chicago.
Hammond, Robt. O., Seattle, Washington.

Harrington, H. B., c/o McGuire & Orr, 74 Washington St., Chicago.
 Hartman, Hugh W., 1221 N. Clark St., Chicago.
 Heim, Homer B., 322 S. 44th St., Chicago.
 Heller, Herbert M., 5470 Ingleside Ave., Chicago.
 Houghton, Harry B., 59 E. Adams St., Chicago.
 Keogh, Raymond F., 5018 Evanston Ave., Chicago.
 Levesy, Herbert B., 5 E. 14th St., Chicago.
 Ludvick, Wm., 72 W. Adams St., Chicago.
 Lynch, Walter F., 416 N. Lockwood Ave., Chicago.
 Martin, Robt., 104 Sibley St., Hammond, Ind.
 McComb, Alvin J., 3578 Vincennes Ave., Chicago.
 McDonough, C. Desmond, New York City.
 McGinley, Edward F., 4814 Calumet Ave., Chicago.
 McKenns, Wm. C., 175 Jackson Blvd., Chicago.
 Michaels, Lester L., 4418 N. Paulina St., Chicago.
 Olems, John, Chicago.
 Pederson, Nac D., 75 Federal Bldg., Chicago.
 Power, Jas. D., 179 W. Washington St., Chicago.
 Pruitt, Abraham, 155 N. Clark St., Chicago.
 Rice, Harry E., 5356 Prairie Ave., Chicago.
 Staley, Harry, 6526 Ellis Ave., Chicago.
 Van Bever, Emille, 38 S. Dearborn St., Chicago.
 Waldson, Raymond, 19 S. Lasalle St., Chicago.
 Webster, E. V., Atlas Assurance Co., Chicago.
 Western, E. V., Chicago.
 Western, R., 7 S. Dearborn St., Chicago.
 White, H., 4641 Dover St., Chicago.
 White, Willard A., 115 S. Lasalle St., Chicago.

BREWER CHAPTER, STETSON UNIVERSITY, DE LAND, FLORIDA.

Anderson, J. Leo, no address.
 Bates, Anthony W., Jacksonville, Fla.
 Beauchien, C. C., 3219 2nd St., Minneapolis, Minn.
 Blackley, Norman N., no address.
 Duncan, Robt., Akron, Ohio.
 Evans, E. T., no address.
 Fields, Newton B., Miami, Fla.
 Gentner, A. W., no address.
 Harris, Henry, no address.
 Harris, John D., no address.
 Haskins, Fairfax F., Seabreeze, Fla.
 Humphrey, Jas. C., West Palm Beach, Fla.
 Jones, Geo. Ditson, no address.
 Ketchum, Benj., no address.
 Laing, Joseph L., no address.
 Parker, Lacke E., Ft. Pierce, Fla.
 Patishall, W. A., Daytona, Fla.
 Pencke, Wilhelm, Quincy, Fla.
 Rasco, Russell, Seabreeze, Fla.
 Diedy, Tom, no address.
 Rogers, Jas. C., no address.
 Rosenborough, D. Douglas, Bartow, Fla.
 Smith, Millard B., no address.
 Steed, E. R., De Land, Fla.
 Webster, Bery H., no address.
 White, E. P., Miami, Fla.
 Wilson, W. Harold, no address.
 Young, Frank M., Orlando, Fla.

CALHOUN CHAPTER, YALE UNIVERSITY, NEW HAVEN, CONN.

Abbott, John, Galveston, Texas.
 Adams, Howard W., 1207 Fletcher Trust Bldg., Indianapolis, Ind.
 Aldridge, Andrew L., 921 1st Natl. Bank Bldg., Birmingham, Ala.
 Barton, Alfred H., Brooklyn, N. Y.
 Barton, Clarence E., Cincinnati, Ohio.

Bennet, Ralph C., Chicago, Ill.
 Brownell, E. H., Box 34, Beverly, Wash.
 Butterfield, Beth V., New York, N. Y.
 Collins, John A., Comanche, Texas.
 Cappelli, L. W., Providence, R. I.
 Conner, Martin S., Seminary, Mass.
 Corbin, Cullen F., Yale Law School, New Haven, Conn.
 Corrie, Harry G., Boone, Iowa.
 Cowles, Henry D., no address.
 Daily, Henry B., 219 Edgewood Ave., New Haven, Conn.
 Dane, C. L., 13 Charles River Sq., Boston, Mass.
 De Forest, Charles D., De Forest, Ad. Agency Springfield, Mass.
 Diggs, Marshall R., Dallas, Texas.
 Dougherty, Russel K., New York, N. Y.
 Erny, Louis P., 624 Foster Bldg., Logansport, Ind.
 Felix, Douglas D., 501 Columbia Bldg., Louisville, Ky.
 Ferguson, Henry C., 114 Wall St., Chicago, Ill.
 Flanders, Carroll B., no address.
 Garnett, Chas. H., 1013 State Natl. Bank Bldg., Oklahoma City, Okla.
 Gibbons, Myron M., Oklahoma City, Okla.
 Gunbart, Wm. B., Derby, Conn.
 Hamilton, Alexander, 43 W. 9th St., New York, N. Y.
 Harder, Ralph J., Westville, Conn.
 Hargin, Albert W., White Plains, N. Y.
 Harno, Prof. Edward J., Lawrence, Kansas.
 Harris, Chas. P., 801 Bowman Bldg., Seattle, Wash.
 Hasselmeyer, Fred C., Highwood, Conn.
 Heffernan, J. E., New Haven, Conn.
 Holland, Benj. L., New Haven, Conn.
 Hoyt, Harry O., c/o Yale Club, New York, N. Y.
 Hurley, Michael B., 1066 Security Bank Bldg., Minneapolis, Minn.
 Imbrie, Robt. M., 1701 G St., Washington, D. C.
 Jeffries, J. H., Pennville, Ky.
 Keefe, Thos. A., Hartford, Conn.
 Loomis, Walter O., 28 Exchange Place, New York, N. Y.
 Martin, J. R., no address.
 Merryman, Carl, 36 Stanley St., New Haven, Conn.
 Morton, Arthur E., no address.
 Murray, Wm. Geo., Jewett, Conn.
 Peres, H. H., 41 Madison St., Memphis, Tenn.
 Pflieger, Robt., New Haven, Conn.
 Powelson, John H., 130 Claremont Ave., New York, N. Y.
 Sawyer, Louis M., Jr., Topeka, Kan.
 Shaffer, Henry R., South Scituate, R. I.
 Smith, Wilbur R., Jr., San Francisco, Calif.
 Stecher, Karl, Wichita, Kansas.
 Stewart, Geo. Jr., Paonia, Calif.
 Stone, A. T., 234 Oxford St., Cambridge, Mass.
 Teater, Chas. M., Chicago, Ill.
 Turner, Geo. F., 46 5th Ave., New York, N. Y.
 Vick, Henry C., Grayton, N. D.
 Walden, Robt. S., Columbus, Ohio.
 Walsh, John T., Buffalo, N. Y.
 Watkins, Ben H., no address.
 Welch, Verden O., Monticello, Ohio.
 Wettingal, Cincinnati, Ohio.
 Wetzell, John W., New Haven, Conn.
 White, Alfred J., Boston, Mass.
 White, Harry F., Duluth, Minn.
 Whitman, Herbert, 233 Union St., S. Wetmouth, Mass.
 Winner, Benj. D., Newark, N. J.
 Wolon, Jos. C., Chicago, Ill.

CAMPBELL CHAPTER, UNIVERSITY OF MICHIGAN, ANN ARBOR, MICHIGAN.

Alleton, Hugh G., 2940 Woodward Ave., Highland Park, Mich.
 Burgess, Geo. S., 1010 Security Bank Bldg., Minneapolis, Minn.
 De Baekke, Victor H., Detroit, Mich.
 Butler, Roland A., 271 Garfield Ave., Detroit, Mich.
 De Lano, H. Allen, Kalamazoo, Mich.
 Durrn, Rolland G., 1601 S. Union Ave., Ann Arbor, Mich.
 Fletcher, Allen G., no address.
 Gardou, Paul W., Flagstaff, Ariz.
 Hagar, Gerald H., no address.
 Hall, Reese A., no address.
 Hamlet, Harvey A., Rector Bldg., Chicago, Ill.
 Hatch, Howard S., Aurora, Ill.
 Hayes, Jas. S., 431 Diamond St., Pittsburgh, Penn.
 Hillery, Vernon F., Tulsa, Okla.
 Hobart, Chas. H., Topeka, Kansas.
 Hodgson, Jos. V., St. Louis, Mo.
 Jamison, Clarence E., 316 W. State St., Rockford, Ill.
 Kelley, Paul, Ironwood, Mich.
 Kelly, John S., Jr., no address.
 Kesswl, Frank S., 843 Spitzan Bldg., Toledo, Ohio.
 Lewis, J. Fletcher, Hoge Bldg., Seattle, Wash.
 Lynch, Thos. J., Niagara Falls, N. Y.
 Michelet, Chas. J., Shute Bldg., Hillsbore, Ore.
 Mitchell, Francis B., no address.
 Muller, Harry W., Citizen's Trust Bldg., Fort Wayne, Ind.
 Roberts, Clarence W., 1330 Marine Bank Bldg., Buffalo, N. Y.
 Roberts, John C., 154 Arcade Bldg., St. Louis, Mo.
 Schnieder, Phil. C., Dayton, Ohio.
 Sharpe, Robert A., Detroit, Mich.
 Thomas, O. L., 1513 Ashland Blk., Chicago.
 Tonkin, Roscoe W., c/o Chapman & Lewis, Ohio Bldg., Toledo, Ohio.
 Zachman, Clyde E., no address.

CAPEN CHAPTER, ILLINOIS WESLEYAN UNIVERSITY, BLOOMINGTON, ILLINOIS.

Atkins, Selden L., no address.
 Ballenger, Harold, no address.
 Bender, H. C., Westville, Ill.
 Brodewolf, Stephen R., 1323 Farwell Ave., Chicago.
 Flint, W. R., c/o Lamahan & Clark, Los Angeles, Calif.
 Garner, Orville E., Omaha, Wash.
 Grant, Fred B., 1205 N. McLean St., Bloomington, Ill.
 Graser, Otto A., Milwaukee, Wis.
 Howard, R. A., no address.
 Markland, Chas. H., Markland, Ill.
 Mecker, Karl B., 128 E. 399th St., Portland, Ore.
 Meredith, L. W., no address.
 Pitney, Fred W., 4437 W. Van Buren St., Chicago.
 Powell, M. D., 132a N. Mian St., Edwardsville, Ind.
 Rowland, H. M., no address.
 Shirley, Byron, no address.
 Van Orstrand, Earl B., Los Angeles, Calif.
 Veatch, Jas. D., no address.
 Whightsell, W. Everett, Paul Bldg., Houston, Ill.
 Yarnell, A. S., 485 Penn St., Washington, D. C.

CHAMP CLARK CHAPTER, WASHINGTON UNIVERSITY, ST. LOUIS, MO.

Riley, Jas. A., Salem, Mo.
 CHASE CHAPTER, UNIVERSITY OF CINCINNATI, CINCINNATI, OHIO.
 Allen, Irwin D., 731 2nd National Bank Bldg., Cincinnati, Ohio.
 Carter, Leonard, 2nd Lt. in the U. S. Army.
 Cetzok, Jos. F., Erlanger, Ky.
 Emminger, Franklin M., War Risk Insurance Bureau, Washington, D. C.
 Foster, Wilton A., Mineral Springs, Adams County.
 George, Ollie W., 1423 Atlanta Trust Bldg., Cincinnati, Ohio.
 Hall, Donald W., 2564 Eden Ave., Cincinnati, Ohio.
 Harlow, Walter R., Middleton, Ohio.
 Kran, Roland, Delaware, Ohio.
 La Master, Ben S., Paul Jones Bldg., Louisville, Ky.
 Lyday, G., Linton, Ind.
 Lyday, Mark, Linton, Ind.
 MacConnell, Renner, Orville, Ohio.
 McGown, Francis D., New York, N. Y.
 Renkert, Fred H., 121 Myers Ave., Akron, Ohio.
 Riehl, Arthur M., 2515 Victor St., Clifton Heights, Cincinnati, Ohio.
 Shepard, Wm. H., 414 Walnut St., Cincinnati, Ohio.
 Smith, Harry N., 37 Carew Bldg., Cincinnati, Ohio.
 Smith, J. Fred, 420 Highland Ave., Akron, Ohio.
 Strudell, John, Lindenwald, Ohio.
 Thompson, John C., 708 1st National Bank Bldg., Cincinnati, Ohio.
 Walsh, Wm. S., 531 N. Meridian, Indianapolis, Ind.

CLAY CHAPTER, UNIVERSITY OF KENTUCKY, LEXINGTON, KENTUCKY.

Addison, Porter, no address.
 Colman, Jas. H., El Paso, Texas.
 Dinkle, Vernon A., no address.
 Foster, A. G., no address.
 Green, L. N., Hopkinsville, Ky.
 Jenkins, Richard H., Bureau of Investigation, Washington, D. C.
 Logan, Victor H., 1105 Highland Ave., Louisville, Ky.
 Mabry, Poindexter, 380 Woodland Ave., Lexington, Ky.
 Metzger, L. F., Lexington, Ky.
 Monarch, Sam H., no address.
 Renick, Felix, no address.
 Rice, Stephen H., Sadiesville, Ky.
 Robinson, Thomas H., no address.
 Smith, Geo., New York N. Y.
 Smith, Stanley H., no address.
 Ware, Wallace W., no address.
 Watkins, J. B., no address.

COLE CHAPTER, DRAKE UNIVERSITY, DES MOINES, IOWA.

Hausen, Edw. B., Elkhorn, Iowa.
 CORLISS CHAPTER, UNIVERSITY OF NORTH DAKOTA, GRAND FORKS, N. D.
 Chase, Murray C., Porterville, N. Dak.
 Corliss, Guy C., Seattle, Wash.
 George, Melville J., Grand Forks, N. D.
 Hammond, John C., San Diego, Calif.
 Harris, John G., Williston, N. D.
 Holmes, T. B., 628 McKnight Bldg., Minneapolis, Minn.
 Joos, Phil. E., Jamestown, N. D.

Louden, J. Earl, Corliss, N. D.
 Quigley, Walter E., Grand Forks, N. D.
 Rohwedder, John T., Minot, N. D.
 Skulason, Bardi G., Seattle, Wash.
 Spaulding, Chas. B., Minot, N. D.
 Thompson, Oscar J., 236 Eddy Ave., Missoula, Mont.
 Wells, Geo. F., Grand Forks, N. D.

DUNBAR CHAPTER, UNIVERSITY OF WASHINGTON, SEATTLE, WASH.

Boyle, S. D., no address.
 Burdick, Harold, no address.
 Case, Edson M., no address.
 Doll, Wm. D., no address.
 Donaldson, Rex H., no address.
 Doylan, Frank, 4055—34th St., Seattle, Wash.
 Dunbar, John S., no address.
 Eddis, Neo, 414—14th St., Seattle, Wash.
 Ellis, Leon, no address.
 Fox, Roy C., no address.
 Hammer, Paul S., no address.
 Hendricks, Carl H., no address.
 Hendricks, Ford, no address.
 Kinsaid, Fred M., 6050 Ave. N. E., Seattle, Wash.
 Leader, Edward, Pioneer Bldg., Seattle, Wash.
 Lichty, R. John, no address.
 Longenbach, John J., no address.
 Lybecker, Gus, no address.
 Miller, Hap, no address.
 Roberts, Geo. W., no address.
 Robinson, Ralph, no address.
 Walske, Max C., New York, N. Y.
 Weiss, Phil., 503—6th Ave. S., Seattle, Wash.
 Wetherby, Lorena, no address.
 Wright, Horace U. X., no address.
 Wukerly, Loren, 1140 S. E. St., Tacoma, Wash.

FULLER CHAPTER, NORTHWESTERN UNIVERSITY LAW SCHOOL, CHICAGO, ILL.

Abbott, Ralph, Urbana, Ill.
 Adamson, A. B., 135 S. Main St., Fond Du Lac, Wis.
 Beveridge, Glen L., no address.
 Bieski, Hy. A., 1220 Noble St., Chicago.
 Briggs, Warren E., 217 N. Wabash Ave., Chicago.
 Carpenter, Herbert J., c/o Goodrich Tire Co., Philadelphia, Penn.
 Cashel, Thomas D., no address.
 Curry, John T., 175 W. Jackson Blvd., Chicago.
 Finley, Geo. A., 1507 N. Clark St., Chicago.
 Grandberg, Oscar, no address.
 Gregg, Jas. A., Chicago, Ill.
 Greig, L. A., 6031 Dorchester Ave., Chicago.
 Harkness, Nathan J., no address.
 Henn, Wm. E., 2530 Michigan Ave., Chicago.
 Hinman, A. A., no address.
 Holste, Albert, no address.
 Judd, Willis W., 1023 Marion St., Seattle, Wash.
 Kagy, David D., Unity Bldg., Chicago.
 Kaney, Sen. A. W., 5818 Randolph St., Chicago.
 Knapp, Wm. Procter, no address.
 Kropf, Victor G., 1920 S. Michigan Ave., Chicago.
 Lee, Curtis G., 428 W. 19th St., New York, N. Y.
 Lindley, Phil. L., 21 Harvard Ave., Atlanta, Ga.
 Luther, Eugene A., 1481 St. James Court, Louisville, Ky.
 Maher, Ed. N., Ft. Worth, Texas.
 McAuley, Arthur, 1438 N. Dearborn St., Chicago.
 McKaughlin, E. D., Evanston, Ill.
 McLaughlin, Eugene, 1019 Peoria Life Bldg., Chicago.

Mullinix, Samuel A., Evanston, Ill.
 O'Dea, Pail M., Springfield, Mo.
 Quittman, Walter, Wilmette, Ill.
 Taylor, Floyd J., Evanston, Ill.
 Walker, Walter G., 69 W. Washington St., Chicago.
 Ward, Alfred J., 2848 Broadway, New York, N. Y.
 Wilfred, John C., Blackstone Hotel, Chicago.

GARLAND CHAPTER.

Collins, Frank, Argenta, Ark.
 Dale, Glenn H., De Queen, Ark.
 Gates, Grover C., Little Rock, Ark.
 Goodrum, John C., 605 Ferry St., Little Rock, Ark.
 Harrod, Lynn, 200 Broadway, Little Rock, Ark.
 Hillis, John O., 634 S. Tr. Bldg., Little Rock, Ark.
 Martin, Robt. E., Martin Bldg., Little Rock, Ark.
 Quinley, Wallace, Memphis, Tenn.
 Rose, Wm. R., Tucson, Ariz.
 Saunders, L. C., 106 Fulk Bldg., Little Rock, Ark.
 Summers, Tom, 214—10th St., San Antonio, Texas.
 Titus, Ira L., 1106 Scott St., Little Rock, Ark.
 Wallace, John, McGhee, Ark.

GREEN CHAPTER, UNIVERSITY OF KANSAS, LAWRENCE, KANSAS.

Armell, Lyle, Calgary, Alberta, Canada.
 Baume, O. R., Lewiston, Idaho.
 Beeler, Lewis F., Boulder, Colo.
 Berry, Nathaniel, 517 Beacon Bldg., Wichita, Kan.
 Burges, Harvey A., Greensburg, Kansas.
 Burnett, Clanrold, Garnette, Kansas.
 Carper, Clay C., Eldorado, Kansas.
 Colin, Edw. C., Beacon Bldg., Wichita, Kansas.
 Conley, Homer O., 228 W. 6th St., Oklahoma City, Okla.
 Cox, Richard A., c/o Swift Packing Co., Kansas City, Mo.
 Greenstreet, John C., Tulsa, Okla.
 Hammond, Herbert J., Roswell, N. Mexico.
 Hart, Bert L., 3246 Smart Ave., Kansas City, Mo.
 Haysley, Elbert, Wichita, Kansas.
 Hill, J. Wilford, Chickasha, Okla.
 Hipple, Francis E., Law School of Univ. of Okla.
 Hutchins, Harlan B., 1212 Armour Blvd., Kansas City, Mo.
 Hyames, Frank M., Larkin, Mo.
 Israel, Carl R., Wichita, Kansas.
 Kenny, Frank, Kansas City, Mo.
 Kent, J. S., Keokuk, Iowa.
 La Coss, Louis, Kansas City, Mo.
 Maris, C. F., Lewiston, Mont.
 Matkins, B. H., 1146 Ohio St., Lawrence, Kansas.
 McIntosh, R. E., Clay Center, Kansas.
 Miller, G. W., Eldorado, Kansas.
 Miller, Virgil W., Los Angeles, Calif.
 Myers, Warren H., Sylvi, Kansas.
 Myres, W. J., Hutchinson, Kansas.
 Neasbitt, F. W., Garnett, Kansas.
 Nesbit, Frank W., Garnett, Kans.
 Painter, W. C., Raymore, Mo.
 Parnham, Joe, Kansas City, Mo.
 Parrish, Hanover, Kansas City, Mo.
 Petres, Shirley, Lawrence, Kansas.
 Porter, C. W., Wichita, Kansas.
 Reed, Rhoderick V., Lawrence, Kansas.
 Ried, Rhoderick, Lawrence, Kansas.
 Roberts, John W., Lawrence, Kansas.
 Robertson, Robt. L., Lawrence, Kansas.
 Ross, Paul, Sterling, Kansas.
 Rush, Karl B., Abilene, Kansas.

Schnaele, Francis D., 1120 Amsterdam Ave., New York, N. Y.
 Sheffery, David, Wichita, Kansas.
 Snell, Frank L., Lawrence, Kansas.
 Spencer, G. A., c/o H. Collins Hay, St. Louis, Mo.
 Thomas, Clive, Gary, Okla.
 Watson, R. E., 1146 Benton Blvd., Kansas City, Mo.

GUNTER CHAPTER, UNIVERSITY OF COLORADO, BOULDER, COLO.

Adams, Cecil, Boulder, Colo.
 Bishop, S. W., Federal Board Vocational Training U. S. Natl. Bank.
 Davis, Frank W., 1707 Bellevue Ave., Seattle, Wash.
 Fink, Frank G., Montrose, Colo.
 Halberle, Fred. E., Denver, Colo.
 Harris, Robt., Foster Bldg., Denver, Colo.
 Martin, Dean, Castle Rock, Colo.
 McCollough, Irvin, no address.
 Miller, Herbert, Fort Morgan, Colo.
 Mussey, Geo., Colorado Springs, Colo.
 Olmstead, Albert W., Los Angeles, Cal.
 Olmstead, Rac., no address.
 Parson, Geo., 155-13th St., Boulder, Colo.
 Roach, Jas. J., 1229 University Ave., Boulder, Colo.
 Smith, Feay B., Thachard Bldg., Pueblo, Colo.
 Taylor, Grover, no address.
 Wagner, John A., 226 N. Main St., South Bend, Ind.
 Wallace, Fred., 1010 1st Natl. Bldg., Denver, Colo.
 Williams, Jas. L., Yampa, Colo.

HAMMOND CHAPTER UNIVERSITY OF IOWA, IOWA CITY, IOWA.

Beers, Olson P., Gilmore City, Iowa.
 Browning, Earl, Cedar Rapids, Iowa.
 Campbell, G. E., Newton, Kansas.
 Feddersen, A. C., Des Moines, Iowa.
 Fuller, F. M., Creston, Iowa.
 Getty, R. L., no address.
 Grant, H. A., Sioux Falls, Iowa.
 Gunderson, G., Harlan, Iowa.
 Hotz, R. H., Council Bluffs, Iowa.
 Hunt, D. G., Mt. Vernon, Iowa.
 Keane, F. P., Waterloo, Iowa.
 Kerberg, S. C., Lansing, Iowa.
 Lee, W., Iowa City, Iowa.
 McGuire, E., 3006-6th Ave., Des Moines, Iowa.
 Mullany, M. H., Montreal, Canada.
 Newport, W. A., no address.
 Roller, M. D., Eastland, Texas.
 Smith, A., Muscatine, Iowa.
 Streeter, S. A., Cedar Rapids, Iowa.
 Tschirgi, Martin F., Teinbeck, Iowa.
 Tuller, Harry, Hollywood, Cal.
 Turner, Martin S., Omaha, Nebr.
 Turner, M. S., Kansas City, Mo.
 Wilimek, Geo., Irving, Iowa.
 Wise, R. H., Iowa City, Iowa.

HAMLIN CHAPTER.

Campbell, Rodney W., no address.
 Carter, Rodney, Stonington, Me.
 Dow, Chas. W., Waterville, Me.
 Drew, Harold, Kennebunkport, Me.
 Dube, Raymond, 49 Westminster St., Providence, R. I.
 Duber, Fred., Rocky Point, R. I.
 Ford, Thos. J., Bangor, Me.
 Harlow, Chas. F., Gorham, Mass.

Harman, Erol, Westbrook, Me.
 Harmoor, Erald, 725 Main St., Westbrook, Me.
 Hitchings, Herbert W., 15-4th Ave., Brooklyn, N.Y.
 Lane, Orlando, Rockland, Me.
 Larre, Orlando, Tapsfield, Md.
 Moody, Harvard, Monmouth, Me.
 Preti, Frank P., Fidelity Bldg., Portland, Me.
 Rideout, Morton H., not in law.
 Siddal, Cecil J., Sanford, Mass.
 Sweetser, Geo. R., 204 Fenton Bldg., Portland, Me.
 Thomson, Wells, Durant, Okla.
 Varney, Hy. H., Springvale, Mo.
 Watson, Jas. B., Y. M. C. A., Bangor, Me.
 Weaver, Ernest, Ashland, Me.
 White, Horace, Camp Meade, Md.

HARLAN CHAPTER, UNIVERSITY OF OKLAHOMA, NORMAN, OKLAHOMA.

Adrian, Daniel T., Billings, Mont.
 Bagless, Bourk, Clarence, Okla.
 Bailey, Warren, Norman, Okla.
 Biking, Lewis K., Tulsa, Okla.
 Cox, J. B., Tulsa, Okla.
 Crabtree, Wyley E., Liberty Natl. Bank Bldg., Oklahoma City, Okla.
 Crossland, Sam H., 311 N. Sante Fe, Tulsa, Okla.
 Curtis, Joe, 5014 Ross Ave., Dallas, Texas.
 Farris, Glen, 217 Grain Exchange Bldg., Oklahoma City, Okla.
 Fulton, Gilbert B., Oklahoma City, Okla.
 Gossett, Louis C., Muskogee, Okla.
 Harrell, Lowrey M., Yukon, Okla.
 McCaire, Frank, Ada, Okla.
 McDonald, Malcolm, no address.
 Ore, J. Roy, Oklahoma City, Okla.
 Pfeifer, Wm. P., Los Angeles, Cal.
 Roff, Chas. L., Norrison, Okla.
 Vath, Geo. A., Eind, Okla.
 Wade, Victor, Bartlesville, Okla.
 Wetzel, Walter, Oklahoma City, Okla.

HAY CHAPTER, WESTERN RESERVE UNIVERSITY, CLEVELAND, OHIO.

Andrews, Marshall, 11302 Euclid Ave., Cleveland, Ohio.
 Boyle, N. A., 6100 Hough Ave., Cleveland, Ohio.
 Boyle, N. A., 2601 Taylor Rd., East Cleveland, Ohio.
 Brown, H. Donald, 523 Engineer Bldg., Cleveland, Ohio.
 Caldwell, Harry D., 516 Citizens' Bldg., Cleveland, Ohio.
 Cook, W. E., 1384 E. 73rd St., Cleveland, Ohio.
 Cstep, C. J., 2357 Tudor Drive, Cleveland, Ohio.
 Davis, E. J., Caldwell, Ohio.
 Earhart, C. M., no address.
 Estep, Chas. L., Engineers Bldg., Cleveland, Ohio.
 Evans, S. L., Cleveland, Ohio.
 Foucht, B. H., Waynesville, Ohio.
 Fox, Paul W., Brocksville, Ohio.
 Fritchley, J. A., no address.
 Glass, R. J., no address.
 Grills, W. J., no address.
 Janousek, H. F., c/o Gaston, Williams, & Wigmore, New York City.
 Johnson, Phil. N., Omaha, Nebr.
 Long, William S., no address.
 Machantanz, Wilko, Dexter, Calif.
 Mattson, C. E., Electric Bldg., Cleveland, Ohio.
 McIntosh, Robt. H., Salineville, Ohio.
 McKinney, C. L., no address.

McLean, Wm. F., Youngstown. Ohio.
 Muntz, E. E., no address.
 Myers, Elbert C., 425 Ohio Bldg., Toledo, Ohio.
 Nolan, Willis J., no address.
 Nye, David F., no address.
 Portman, A. D., no address.
 Rainsberger, John H., no address.
 Rhodes, Conger G., 220 Erie Bldg., Cleveland, Ohio.
 Sherer, Fred, no address.
 Wagner, L. L., Lorainn, Ohio.
 Wheeler, W. C., c/o Hubble Bros., Cleveland, Ohio.
 White, W. D., no address.
 Wonders, Darcy V., no address.

HOLMES CHAPTER, STANFORD UNIVERSITY, CALIFORNIA.

Brown, Phil F., Reno, Nevada.
 Brydolph, Vernon M., Los Angeles, Cal.
 Eldon, John F., Merritt Bldg., Los Angeles, Cal.
 Eiden, John Francis, Jr., 3925 Brighton Ave., Los Angeles, Cal.
 Foster, F. L., 208 Lake Shore Blvd., Oakland Calif.
 Garrett, Henry E., 1134 Emerson St., Palo Alto, Cal.
 Gilbert, Warren K., 935 W. 7th St., Los Angeles, Cal.
 Hamlin, Harris, 518 N. Ardmore Ave., Los Angeles, Cal.
 Herbert, Jos. W., San Jose, Cal.
 Hill, Chas. A., Hotel Willard, Fresno, Cal.
 Kilpatrick, Wylie McClung, Ft. Jones, Cal.
 Kincaid, Geo. C., 715 Pacific Ave., Long Beach, Cal.
 Leeds, Albert W., 3606 Front St., San Diego, Cal.
 Lyons, Frank, Portland, Ore.
 MacKall, W. R., Kootznahoo, Alaska.
 Miller, Jas. Andrew, 440 Eddy St., San Francisco, Cal.
 Murray, Alfred C., 215 Granite Ave., Deming, N. M.
 O'Hara, J. E., Madison, Wis.
 Oliver, Robt., Quartermaster School, Jacksonville, Fla.
 Scott, Ralph, Washington, D. C.
 Simpson, Mate. C., 800 Pacific Ave., Long Beach, Cal.
 Tegner, W. E., Exporter & Importer, San Francisco, Cal.
 Williams, N. M., 1807 Jersey St., Quincy, Ill.
 Winters, V. D., 704 Locust St., St. Louis, Mo.

HUGHES CHAPTER, DENVER UNIVERSITY, DENVER, COLORADO.

Bilgin, Jos. A., International Trust Bldg., Denver, Colo.
 Burris, Wm. T., 4003 Umatilla St., Denver, Colo.
 Davis, J. G., 1278 LaFayette St., Denver, Colo.
 Davis, Louis O., Seattle, Wash.
 Gandy, Richard K., 211 E. Ellsworth St., Denver, Colo.
 Gorder, H. A., 1224 California St., Denver, Colo.
 Hoffman, Donald, Butte, Mont.
 Jackson, Robt. J., Curry Bldg., Pittsburgh, Pa.
 Lowe, Francis R., Boulder, Colo.
 Meyler, Wm., 1238 Osage St., Denver, Colo.
 Morris, Ben, 246 Nryant St., Denver, Colo.
 Nelson, W. D., no address.
 Scribner, Clair I., 1809 E. 24th St., Denver, Colo.
 Stender, Harry R., University Park, Des Moines. Ia.
 Stevens, F. C., Hall Apts., Denver, Colo.
 Vance, Thos. F., no address.
 Wietzel, Y. M. C. A. Hotel, Denver, Colo.
 White, W. M., 811 Continental Bldg., Denver, Colo.

JOHN FAY CHAPTER GEORGE WASHINGTON UNIVERSITY, WASHINGTON, D. C.

Baker, Paul H., no address.
 Blehr, Francis Morris, address unknown.
 Bosworth, Edwin C., address unknown.
 Burdick, B. F., Double Springs, Ark.
 Butler, Aaron P., Jamaica.
 Clark, Thomas, no address.
 Collings, Kenneth B., U. S. Marine Corps, Washington, D. C.
 Corbitt, Glen, Federal Bldg., Denver, Colo.
 Harlan, John G., Pittsburgh, Penn.
 Jordan, Jos. A., Atlanta, Ga.
 Lehman, Lloyd, no address.
 Manning, Ellis W., Broadway Apts. Muskogee, Okla.
 Mathis, Floyd B., no address.
 McCoy, Whitley P., no address.
 McEachern, Wm. C., no address.
 Melton, Heath A., 647½ G St., N. W., Washington, D. C.
 Rollins, Jas. P., Tulsa, Okla.
 Stone, Henry U., no address.
 Surface, Henry H., no address.
 Van Moss, Bert, no address.
 Watkins, John D., no address.
 Williamson, Ernest R., no address.
 Young, Horace C., Coffeeville, Miss.

K. C. ALUMNI CHAPTER.

Cowden, L. B., no address.
 Edlund, J. R., 811 Delaware Place, Kansas City, Mo.
 Hudson, Melvin, no address.
 Hull, Lee, no address.

KENT CHAPTER, UNIVERSITY OF IDAHO, MOSCOW, IDAHO.

Buffington, Don M., Pendleton City, Idaho.
 Colby, J. Arnold, no address.
 Graff, Fred. E. 9344 S. Almond, Los Angeles, Cal.
 Hansen, Fred. G., 2100 Eliott Ave., Minneapolis, Minn.
 Hartwell, Harry, Buhl, Idaho.
 Levitch, Robt. E., 1416 Idaho St., Lewiston, Idaho.
 Owens, Moscow, Idaho.
 Strum, O. M., LaCrosse, Wis.
 Wilson, E. M., Boise, Idaho.

LAWSON CHAPTER, UNIVERSITY OF MIS- SOURI, COLUMBIA, MO.

Alexander, Preston C., Portland, Ore.
 Breckner, Pullman, Wash.
 Brown, J. H., Bartlesville, Mo.
 Brown, Jas. O., Bartlesville, Okla.
 Busby, W. G., no address.
 Campbell, Jas., Kansas City, Mo.
 Chanowith, Geo. W., Kansas City, Mo.
 Cook, Lewis C., St. Joseph, Mo.
 Costolow, R. A., St. Louis, Mo.
 Crowe, H. Burdine, Farmington, Mo.
 Doyle, Patrick J., 4204 Cote Brillante Ave., St. Louis, Mo.
 Everhart, Jos. B., no address.
 France, Chas. E., no address.
 Hazard, Leland, no address.
 Koontz, Fred. G., Long Bldg., Kansas City, Mo.
 Le Mier, C. P., Fulton, Mo.
 Mandry, Walter, Columbia, Mo.
 Murphy, Jas. W., no address.
 Rathburn, Virgil L., no address.

Slayter, Richard F., 4417 Gaston Ave., Dallas, Texas.
 Spencer, Byron, St. Joseph, Mo.
 Steele, Robt. F., Nevada, Mo.
 Stradal, Walter J., no address.
 Stice, F. F., Pittsburgh, Pa.
 Teter, John G., no address.
 Thomas, Alexander R., Kansas City, Mo.
 Vest, Geo. G., St. Louis, Mo.
 Viley, W. J., Kansas City, Mo.
 Warwick, D. G., no address.
 Welton, Fred. L., Centralia, Mo.
 Williams, Homer F., Marble Hall, Miss.
 Witters, Byron, 1495 W. 122 St., Washington, D. C.
 Wornall, Julian, Kansas City, Mo.
 Young, Leo., no address.

LIVINGSTON CHAPTER, COLUMBIA UNIVERSITY, NEW YORK CITY.

Atwood, Kimbal C., 2940 Broadway, New York City.
 Buckley, Chas. P., Brooklyn, N. Y.
 Clark, Eugene V., 507 W. 111th St., New York City.
 De Graff, Bartholomew, New York City.
 Diels, Duane R., 357 W. 119th St., New York City.
 Healy, Jefferson, Brooklyn, N. Y.
 Lockhart, Morrell S., 415 Washington Ave., New York City.
 Miller, Howard V., Brooklyn, N. Y.
 Morsher, Ransford, Syracuse, N. Y.
 Orbeson, T. B., 545 W. 112th St., New York City.
 Paradise, Chas. H., 2 W. 87th St., New York City.
 Shanks, Carroll M., 40th St., New York City.
 Sherrick, Eugene A., Brooklyn, New York.

LURTON CHAPTER, VANDERBILT UNIVERSITY, NASHVILLE, TENN.

Bauman, L. A., no address.
 Bottrell, Wm. D., no address.
 Embry, Chas., no address.
 Frater, Homer B., no address.
 Gorden, De Witt, no address.
 Hudson, R. D., no address.
 Jennings, Jas. M., no address.
 Luten, Paul H., no address.
 Mann, J. T., Jr., no address.
 McGill, Ralph E., no address.
 McKinney, John B., no address.
 Nailling, Myron T., no address.
 Neill, Wm., no address.
 Orr, Perry, no address.
 Pringle, Edw. C., no address.
 Riddle, Joe. F., no address.
 Rogers, Carl S., no address.
 Taylor, A. W., no address.
 Thomas, John, no address.
 Voss, B. L., no address.
 Wade, Wm. J., no address.
 Whitwell, Dewey, no address.

McREYNOLD CHAPTER, UNIVERSITY OF TENNESSEE, NASHVILLE, TENN.

Anderson, Howard, Beverly, Tenn.
 Atkin, Albert, Knoxville, Tenn.
 Bailey, Geo. R., Knoxville, Tenn.
 Cameron, A. D., Chicago, Ill.
 Eagle, J. Randall, Knoxville, Tenn.
 Hill, Malcolm, Sparta, Tenn.
 Kirby, Percy, Memphis, Tenn.
 Maline, E. H., Socanaral, Tenn.
 Miller, Jesse, Memphis, Tenn.

Moore, C. B., Knoxville, Tenn.
 Norlich, Niles, Bristol, Tenn.
 Patten, B. Frank, Knoxville, Tenn.
 Petty, John, Hominy, Okla.
 Shea, Condon C., Knoxville, Tenn.
 Siler, Wyman G., Knoxville, Tenn.
 Smith, Jas., Knoxville, Tenn.
 Tarford, Horace H., Memphis, Tenn.
 Webb J. H., Memphis, Tenn.

MAGRUDER CHAPTER, UNIVERSITY OF ILLINOIS, CHAMPAIGN, ILLINOIS.

Arnold, Arthur J., no address.
 Barnes, Olin M., 111 Frink St., Peoria, Ill.
 Billman, Elliot, Sullivan, Ind.
 Britton, Wm. E., Urbana, Ill.
 Brown, Wallace, Cleveland, Ohio.
 Cassna, Albert B., Santa Rosa, Fla.
 Clank, Robt. A., Chicago, Ill.
 Cohan, Sidney N., Los Angeles, Cal.
 Crawford, Wm. Elmore, no address.
 Cunningham, Sterling R., 5721 Velasco St., Dallas, Texas.
 Edelstien, Clarence, no address.
 Fowler, Mathew, Marion, Ill.
 Kieth, C. E., 4224 Delmar, St. Louis, Mo.
 Kraske, John, no address.
 Merritt, Guy W., Gibson City, Ill.
 Miller, L. C., no address.
 Page, Lloyd Paul, no address.
 Riley, Roy Lynn, no address.
 Schafer, Fred B., Clydahl, Ill.
 Vickrage, R. P., no address.
 Webb, Chas. P., 555 N. 18th St., St. Louis, Mo.
 Williamson, Ral, Canton, Ill.

MARSHALL CHAPTER, UNIVERSITY OF CHICAGO, CHICAGO, ILLINOIS.

Caldwell, Chas. N., Caldwell, Ill.
 Campbell, W. D., Rome, Mo.
 Carter, Allen, 325 Waller Bank Bldg., Salt Lake City, Utah.
 Collingsworth, C. J., Dallas, Texas.
 Crum, Virgil A., Chamber of Commerce Bldg., Portland, Me.
 Dougherty, Dan B., 61 E. Monroe St., Chicago.
 Eherle Louis, 1117 W. Broadway, Butte, Mont.
 Fell, Ora, no address.
 Fielding, Wm. H., no address.
 Harrison, Wm. J., Vilander, Mo.
 Healion, Wm. C., no address.
 Logan, Chas. A., 5810 Woodlawn Ave., Chicago.
 McCollough, A. M., Loraine, Wyo.
 McGrath, Geo., Kansas City, Mo.
 McGuire, Guire, Geo., Kansas City, Mo.
 Milbrath, Geo., no address.
 Miller, E. S., Martins Ferry, Ohio.
 Mitchell, Karl, Van Buren, Ark.
 Quillion, Henry, College Park, Atlanta, Ga.
 Ramsey, Galord, Chillicothe, Mo.
 Reech, Walter A., Chaffie, Me.
 Roesch, Arthur J., Merton, Wis.
 Seith, Chas. 318 Market St., Louisville, Ky.
 Smith, Walter H., 417 Oliver St., Whiting, Ky.
 Smyth, Leonard C., no address.
 Steiger, Carl B., Toledo, Ohio.
 Wilber, Chas. H., Nashville, Tenn.

McKINLEY CHAPTER, OHIO STATE UNIVERSITY, COLUMBUS, OHIO.

Conrad, M. H., East Sparta, Ohio.

MITCHELL CHAPTER, UNIVERSITY OF MINNESOTA, MINNEAPOLIS, MINN.

Snodgrass, Edw., 489½ E. Couch St., Portland, Ore.

MORGAN CHAPTER, UNIVERSITY OF ALABAMA, UNIVERSITY, ALABAMA.

Black, Wm. Garner, 123—12th St., Birmingham, Ala.
Farmer, Clifford C., 601 W. 110th St., New York City.

Proctor, Jas. M., Scottsville, Ala.

RAPALLO CHAPTER, NEW YORK UNIVERSITY, NEW YORK CITY.

Allen, Harold L., 66 Waldorf St., New York City.
Cameron, John E., 2400—7th Ave., New York City.
Caraglia, Fioravante, New York City.
Cooper, F. A., New York City.
Criswell, H. S., no address.
Ferris, Warren H., 706 W. 108th St., New York City.
Fleckenstein, Geo. V., 120 Broadway, New York City.
Gebhards, Chas. J., 229 Garden St., Hoboken, N. J.
Hamilton, Hanson L., 847 Boulevard East, Weehawken, N. J.

Ireland, Jas., N. Y. C. & H. R. R., Law Dept., New York City.

Kennedy, Chas. J., New York City.

Kortvellyessy, K. J., 101 Freeman St., Brooklyn, N. Y.
Lee, Clarence B., 317 Lilley Bldg., Waterbury, Conn.
Mayer, E. Edw., Nyack, N. Y.

McColl, 2026 Ave., New York City.

McConnell, F. T., 336 W. 95th St., New York City.

Moline, Henry G., 16 E. 9th St., New York City.

O'Conner, W. H., no address.

Phelan, J. F., 124 Manhattan St., New York City.

Rodman, H. P., 273 W. 22nd St., New York City.

Sassert, H. A., 107 Waverly Place, New York City.

Tawne, Chas. A., 115 Broadway, New York City.

Washington, Geo. A., 257 Broadway, New York City.

Wemser, M. I., 35 Nassau St., New York City.

Williams, Roland T., 531 W. Herron St., Denison, Texas.

Winana, H. P., 115 Broadway, New York City.

Young, Arthur C., 256 Sherman St., Jersey City, N. J.

REESE CHAPTER, UNIVERSITY OF NEBRASKA, LINCOLN, NEBRASKA.

Balls, Arthur, 3248 T. St., Lincoln, Neb.

Booth, A. H., Buffalo, Wyo.

Bryson, Albert, 539 Williams St., Portland, Ore.

Eldredge, Gilbert, 3445 R. St., Lincoln, Neb.

Goyer, H. L., Lincoln, Neb.

Fattinger, Frank, no address.

Johnston, Carl W., Baker & Baker, Provo, Neb.

Kohl, Phil. T., c/o Russian Relief Work, Russia.

Luby, Thos., Giltner, Neb.

Moore, Jas. S., Kansas City, Mo.

Moore, Jas. S., Lincoln, Neb.

Potter, Chauncey C., 2313 Ocean View Ave., Los Angeles, Cal.

Rohrsbaugh, Byron F., Omaha, Neb.

Skeptn, Virgil, Jefferson Apts., Lincoln, Neb.

Smith, Floyd E., no address.

Spatz, Ward B., no address.

Tenhoff, A. K., Brush, Colo.

Ward, Roscoe, California.

Yale, Don, Hopwell, Neb.

ROSS CHAPTER, UNIVERSITY OF SOUTHERN CALIFORNIA, LOS ANGELES, CAL.

Betts, John E., 4246 Aliso St., Los Angeles, Cal.

Conrad, Elson, Alhambra, Cal.

Duff, Jos. P., Pacific Electric Bldg., Los Angeles, Cal.

Everett, Curtis, Los Angeles, Cal.

Fulcher, Chas. E., c/o Union Oil Co., Los Angeles, Cal.

Garrett, Edw., Standard Oil Co., Los Angeles, Cal.

Graham, Robt., 3615 University Ave., Los Angeles, Cal.

Hamilton, Vernon R., Central Police Station, Los Angeles, Cal.

Howe, Horace L., Los Angeles, Cal.

Jansing, Albert C., 507 S. Figueroa St., Los Angeles, Cal.

Jones, Lloyd F., 1051 E. 55th St., Los Angeles, Cal.

Landrell, Harold, California Bldg., Los Angeles, Cal.

Means, Geo. L., Pittsburgh, Pa.

Mitchell, Robt. M., Los Angeles, Cal.

Parks, Wm. B., Exchange Bldg., Los Angeles, Cal.

Skinner, Carl N., 1026 Cal. Bldg., Los Angeles, Cal.

Smith, G. Robt., Guaranty Trust & Savings Bank, Los Angeles, Cal.

Swaffield, Phil., 1st Natl. Bank Bldg., Los Angeles, Cal.

Trash, Wehlund, Edendale, Cal.

Wakeling, Tom, Los Angeles, Cal.

Walsh, Christy, 1235 Van Ness Ave., San Francisco, Cal.

Warren, C. E., Los Angeles, Cal.

Wheat, Watson, San Diego, Cal.

Wilson, John J., 302 Coulter Bldg., Chicago.

Wilson, John J., 1743 Garfield Place, Los Angeles, Cal.

Windler, Francis A., 3562 W. 48th St., Los Angeles, Cal.

Wise, Chester, no address.

RUFFIN CHAPTER, UNIVERSITY OF NORTH CAROLINA, CHAPEL HILL, N. C.

Downing, Dennis G., Fayetteville, N. C.

Herman, P. W., Atlanta, Ga.

Johnson, Henry L., Bragaw, N. C.

McCall, Z. A., Elmo, N. C.

Perry, Ralph, no address.

Pottinger, Earl, 735 Majestic Bldg., Milwaukee, Wis.

Richmond, T. C., Madison, Wis.

Roemer, John, Chicago, Ill.

Ryan, Hugh, Milwaukee, Wis.

Schwind, Benj., no address.

Shanon, Frank J., 625 Caswell Bldg., Milwaukee, Wis.

Sleeveimb, Ira, Meilminville, Wis.

Snider, J. R., no address.

Thieme, Cyrus, 925 Milwaukee Ave., Milwaukee, Wis.

Thompson, Harold, Fargo, N. Dak.

Toohy, John C., 1 E. 104 St., New York, N. Y.

Uhern, Robt. M., Washington, D. C.

Waller, Theo., 27 N. Butler St., Madison, Wis.

Warner, Rolands, Madison, Wis.

Yager, M. E., 302 Marion Ave., Aurora, Ill.

Arthur, D. J., Tomah, Wis.

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Clark, Ray W., State Capitol, Madison, Wis.

Conway, C. M., Elroy, Wis.

Dodge, J. E., Milwaukee, Wis.

Duff, Jos. P., 1609 Belkna St., Superior, Wis.
 Dunn, Glen R., no address.
 Dunn, Robt., U. of Michigan Law School, Ann Arbor, Mich.
 Fahrion, Credit Dept. Goodrich Tire Co., Indianapolis, Ind.
 Frost, R. B., no address.
 Gage, M. G., Saluda, Iowa.
 Griffin, V. I., no address.
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 Holway, no address.
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 Kerwon, J. C., Madison, Wis.
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 Lendke, Leo C., Milwaukee, Wis.
 Lobb, A. J., 5026—3rd Ave., Grand Forks, N. Dak.
 Loftsgorden, Henry A., no address.
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 Napiecinski, Peter, 710 Surety Bldg., Madison, Wis.
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 O'Keefe, J. J., 222 E. Franklin St., Portage, Wis.

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 Cornell, Sidney F., no address.
 Duffy, John R., 778 Jefferson Ave., Memphis, Tenn.
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 Griffith, Howard J., 2092 Greenleaf Ave., Chicago.
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 Johnston, J. Arthur, Spokane, Wash.
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 King, F. C., 231 Wabash Ave., Chicago.
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 Pistor, A. T., 725 S. Blvd., Oak Park, Ill.
 Przborski, Max, 710 Ft. Dearborn Bldg., Chicago.
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