

The Reporter



OFFICIAL PUBLICATION OF

Phi Alpha Delta
Law Fraternity

Fraternity Calendar



October 15th.....Form D due in Secretary's office
November 1st....Per Capita taxes due in Secretary's office
November 7th.....Celebration of Founder's Day
Dec. 1st.....Yearly chapter audit due in Secretary's office
March 15th.....Form E due in Secretary's office
April 1st.....Election of all chapter officers
May 30th.....Form J due in Secretary's office
August 31 and September 1st and 2nd.....Twenty-third
Biennial Convention, at Breezy Point, Minnesota

Initiation fees and first \$3.00 installment on life subscriptions to the Reporter must be paid immediately following initiation of any member.



Magazine Material



October 1st.....for October issue
December 1st.....for December issue
March 1st.....for March issue
May 1st.....for May issue

No material arriving after the 5th of the above mentioned months can be used in that particular issue.

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Supreme Editor
EARL H. HATCHER

Associate Editors
HERSHEL WASHINGTON
A. HARRY CRANE JOHN R. SNIVELY

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TABLE OF CONTENTS

Active Chapter News.....	41
Alumni Chapter Directory.....	60
Breezy Point	37
Directory of Active Chapters.....	57
Directory of National Officers.....	2
Fraternity Calendar	Inside Front Cover
In Memoriam	52
Introducing Our Deans and Professors.....	31
News of Alumni.....	53
New District Justice.....	15
Our Patent System.....	28
Our Political Mirror.....	38
Professional Directory	61
Restatement of the Law of Property.....	16
Supreme Justice's Letter.....	10
Supreme Secretary's Page.....	40
The Five Final Questions at Commencement.....	5
The American Scholar.....	12
Twenty-five Years Ago.....	11
We Become Less Ethical.....	13

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Supreme Historian

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Lawyers Should Specialize



By

PAUL C. MEIER

(Editor's Note: It is of interest to members of Phi Alpha Delta that Brother Paul C. Meier, Supreme Justice in 1905-6, and Brother George E. Fink, Supreme Justice in 1924-26, have recently joined in a law partnership with offices at 33 North La Salle Street, Chicago.)

■ It is frequently said that the members of the legal profession profess more individualism than those engaged in other walks of life. This may be so, and then on the other hand, it may be a case of greater development of ego, and then again it may be simply stubbornness, developed from the thought that all subjects pertaining to law are controversial. I don't know, nor will I venture a guess, but it does seem in many respects we have not made the progress of some other professions, and that perhaps the reason may be found in the individualism with which we are credited, or charged, or of which we sometimes boast.

■ The physicians and surgeons have wonderfully improved health and prolonged life; the dentists have been,

and still are, making marvelous discoveries to the advantage of their patients; industry never stands still, and even some bankers occasionally produce something new in finance, but the lawyers still follow the old, worshipping precedent, as the Chinaman worships his ancestors, and all we have prolonged is the life of lawsuits.

Every physician realizes that he cannot possibly perfect himself in all the branches of his profession, nor in even one major branch, and that if he is to pretend a knowledge of the ailments of the throat he will have no time to fool around with the appendix, and so he seeks knowledge and experience in throat trouble, to the benefit of his patients and incidentally to the improvement of his own bank account. The dentist, and I use the term in its broad-

est professional meaning, understands that, if he intends to do anything in the way of Orthodonty, he will have no time for such subjects as crowns, fillings, bridge-work, pyorrhea or even extractions.

■ The lawyer still tries to handle every case or piece of business offered, regardless of its nature or his oft times profound ignorance of that particular subject, in fact not only does he generally deny ignorance, but often assumes the attitude that there is nothing he does not know, and that he has the ability and versatility to do anything that may be required of him; in other words, his individualism asserts itself, he makes a guess and a mistake, and his client pays.

■ Now this article is not written for the purpose of scolding our profession, nor to criticize the members thereof (the writer used to do these things himself), but it is hoped that sufficient interest may be aroused to provoke a discussion among ourselves.

The present day complications, intricacies, and confusions in the practice of law were unknown a few years ago. Trusts, real estate bond issues, most forms of taxation and certain other subjects, are recent developments. Regulation of utilities, stock rights, and blue sky laws, were unknown to the law when the writer's father studied law. Corporation law and numerous branches contain pitfalls unsuspected by the lawyer who has not given them almost exclusive attention. The foreclosing of a mortgage involves the title to real estate, is full of risks to that title and unless properly handled may make a quiet title action necessary when the foreclosure is completed. A lamentable number of wills and trust agreements are drawn without regard to, and often in profound ignorance of, the Rule against Perpetuities, in fact

lawyers have been heard to ask "What chapter is the Statute of Perpetuities?" Millions of dollars are paid in taxes which could not have been collected by suit. Is there any excuse for a lawyer pretending to know all these subjects and then mix them with a smattering of divorce, mechanics' liens, bankruptcy, probate, personal injury, insurance, commercial paper, collections and receiverships? Yet that is what most of us do.

■ Why do we deceive ourselves? Because of our individualism, we refuse to admit that another lawyer may know more than we do on a subject we haven't thought of since our senior year at school, and so we fumble and stumble get through somehow, collect a fee which was not earned and then lose the client.

Whom do we injure, the client, or ourselves? Both! Ourselves more than the client, for he can get another lawyer, but it isn't so easy for a lawyer to get another client, nor to overcome the other resulting losses, for had the lawyer remained within the confines of a subject which he knew, the outcome would have been much happier for all concerned, and not the least of the results would have been the retention of a satisfied client, and it should be unnecessary to point out the value of a satisfied client.

■ The conclusion is obvious. We must not attempt everything, which seems to mean that lawyers should borrow a leaf from the book of the doctors, of the dentists and even of the industrial world, and choose a certain branch, or in some cases a few allied subjects of the law, equip themselves for those subjects, and leave unfamiliar paths to be traveled by those who know them better. Then will clients get real service, remain with us, and each of us will improve his own standing, not only in the profession, but in the community.

The Five Final Questions At Commencement

By OWEN D. YOUNG

At St. Lawrence University, August 14, 1931

Re-printed from the American Scholar

■ It is my privilege today, in the absence of Dr. Sykes, to confer upon you the degrees to which you are severally entitled. I congratulate you on your accomplishment. It means that the college has examined you and found you worthy. Now you are going out into the world to be examined by it. Some of you have taken a partial examination there already. In college you may have had good luck or bad luck in your examinations. Sometimes the questions hit upon the field exactly in which you were best prepared. Sometimes your mind was working at its best. At other times, you were less fortunate. The examinations with an ingenious deviltry seemed to hit upon the things you did not know. In some degree, the examinations which the world will make of you will be the same. Sometimes opportunities will come to you to display great strength and find you qualified to do it. Sometimes the world will call upon you with confidence, and you will disappoint both it and yourselves. The only difference between your college examination and the world's examination is that the world subjects you to a continuing examination and the dates set for it are not determined in advance. It comes at most unexpected times and in unlooked-for situations. Frequently you do not even know that the examination is going on, and yet it may be a very critical moment in your career. The very continuity of examination guards against error in results. You have an opportunity to correct your

bad examinations, and you take the risk of impairing the good ones. By and large, it is fair to say that the world's judgment will be correct. You will not get by permanently with lucky questions. You will not fail with a few unlucky ones.

■ May I suggest this morning that you subject yourself to another examination. It is the most vital and important one of all. It must be more searching than any other. Your answers must be more full and frank. The results of this examination must be taken more seriously. In a word, I suggest that you examine yourself. Perhaps you can afford to fool others about yourself, but you cannot afford to fool yourself about yourself. The purpose of the examination is to discover your own strength and weakness. Perhaps I can help you in this self-examination. Will each of you put to yourself five questions, and having discovered your strength or weakness, will you then go on with the great business of developing yourselves. Truly, this is the commencement and not the end of your educational career. These are the questions.

First: Have you enlarged your knowledge of obligations and increased your capacity to perform them?

Second: Have you developed your intuitions and made more sensitive your emotions?

Third: Have you discovered your mental aptitude?

Fourth: Have you learned enough

about the machinery of society and its history to enable you to apply your gifts effectively?

Fifth: Have you acquired adequate skill in communication with others?

Satisfactory results from this self-examination are essential to your success. You cannot fail on any item. However, if one be more important than another, I think they are stated in the order of their importance. Perhaps if I expand the questions, they may be more searching in their inquiry and the answers may be more satisfying to yourselves.

■ Failure on the first question means failure altogether. If you have not developed your understanding and sense of obligation and your capacity to perform, then your intuitions, no matter how sensitive, your aptitudes, no matter how marked, your knowledge of institutions, no matter how thorough, your language, no matter how adequate, will not save you from failure. You may appear for a time to succeed with only the last four, but in the end, you will fail without the first. On the first question I shall speak last.

■ You may be surprised that the development of intuitions is put second in the list. I mean by it that whole area of subconscious or superconscious activity which underlies or overlies our ordinary mental machinery. Its usefulness depends upon its exercise. A college course tends to exalt the mere operations of the conscious mind, and so, in some degree, to discourage the use of one's intuitions. Has that been the result with you? If it has, I would endeavor to develop those thousand and one antennæ which unconsciously absorb, especially in your contacts with other human beings, impressions of which the mind either cannot take account or comprehends all too slowly. Sensitiveness outside of the field of the mental operation is a magnificent sub-

stratum, especially when joined with character, on which to build the structure of a developed mind. So I put this area of what I call intuitions, perhaps not properly so, as second in importance in your list. You will find this examination difficult. You will find your deficiencies hard to repair, but exercise, constant exercise of your faculties in this subconscious field will yield you much. Then, too, I class the cultivation of the emotions with intuitions. They work together. Have your emotions been deadened by too much mathematics and science? Have scientific methods in history and elsewhere impaired them? The discovery of insulin only a decade ago is an historical and scientific fact, but it is more. Are one million people alive today, useful to themselves and to society, loved by their associates and friends, as a result of that discovery? Will fifteen million people soon owe their lives to it? If wars which destroy millions may be glorified by our emotions, perhaps we may think of insulin which saves, as more than a mere cold scientific fact. Examine yourself on your emotional approaches. It will throw your knowledge into better human perspective.

I fear that the college has not paid much attention to these first two questions. I doubt if it has examined you in them, and yet they are of supreme importance to you.

■ In the third question, you will note that I put the emphasis on discovery. Have you discovered your mental aptitude? Have you been engaged in that most important job of research, more important to you than all the research of the world, the discovery of what you really want to do, and what you are best fitted to do? Here, again, you must be objective in your examination. The fashion of the time, the acquisition of wealth, the glamor of superficial success, all stand as temptations for you to try to do something that you are

not fitted to do. The misplacement of human beings is one of the greatest tragedies. Young people frequently start out quite aimlessly. They either drift from one place to another, or, having taken a place unsuited to them, have not initiative or courage enough to lift themselves out of it. The years go by, and in the minor jobs, they do the work well enough perhaps to get some progressive increase in earnings. Each year makes it more difficult for them to move, and one day they wake up to the realization that there is nothing ahead for them in the line into which they have drifted, and they are then too old to be accepted in another. This, as I have said, is one of the greatest tragedies of modern life. Be careful not to misplace yourselves. Be on the guard always against letting yourself drift into occupations for which you are not fitted. You must discover your own aptitudes—you must pilot your own ship. If you fail to plot your course, or, knowing it, carelessly take your hand off the wheel, you will merely drift at the peril of the waves, and one day you will be wrecked and cast ashore. Do not neglect this discovery of your aptitude, and finding it, do not fail to meet the sacrifices which may be necessary in the beginning to enable you to put it to effective use.

■ Perhaps the college has not helped you with these first three items. If it has not, it is partly its failure and partly yours. If it has not, you must repair that deficiency now, now before it is too late. The remaining two questions lie strictly in the field of your accepted college work. Have you learned enough of the machinery and history of organized society to enable you effectively to apply your gift, assuming it has been discovered? If it lies in the field of science, have you learned enough about the fundamentals of mathematics and physics to enable you to go on effectively in the pursuit

of your target? Examine yourselves carefully, and if you have not, then repair the weakness and do it now. Remember there is no lucky chance in this self-examination of yours. What you do not know and what you ought to know must insistently stand out to plague you, plague you with red marks, impair your confidence, threaten you with defeat until you have overcome it. Be prompt to recognize the areas of your ignorance and be quick to make your examination in them satisfactory to yourselves.

■ And now on this matter of communication—the last of the questions which I have put to you—the least important in the order of statement, and yet without which it will be difficult for you to succeed, even though you have all the other four. At best, one can communicate to others only a very small percentage of what one thinks or sees or feels. Language is inadequate. All languages are inadequate no matter how many of them one may know or how skillful one may be in using them. Perhaps only one per cent or two per cent, certainly I should think not more than five per cent of what one thinks or sees or feels can be translated by language to another. As a person enlarges his capacity to make himself understood, and enlarges the ability of others to understand him, he opens up to that extent his opportunity for usefulness. Certainly in our modern society, where it is necessary for men even in the simplest matters to cooperate with each other, it is necessary for them first of all to understand each other. Language is the principal conveyor of understanding, and so we must learn to use it, not crudely but discriminately. I have discovered after a long experience that misunderstandings arise between men largely because of the failure of adequate expression. Be careful to see that your language is clear. Words must be accurately used. Sentences

must be short—then add style if you can. It is only half enough to have the transmitter work clearly and accurately. The other half lies with the receiver, and style, if it be compelling enough, is the sure way to make the receiver function well.

■ And now I come back to my first question, *Have you enlarged your knowledge of obligations and increased your capacity to perform them?*

I have grave doubts whether the college has helped you as much as it should on this all-important question. It seems to be assumed that somehow young people will discover their obligations for themselves. Perhaps it is assumed that the whole college course is directed to this end without being specific about it. Perhaps it is assumed that the church will do it. Perhaps it is thought wiser to leave it to discovery by experience. Whatever the explanation may be, I am satisfied that the colleges are not performing well or adequately in this important field. Young men and women go out of college without any very clear conception of their obligations or of the importance of their performance. There should be a whole course on this in every college—not a course of sermons made up of age-old platitudes, but of researches in specific fields. For example, what are the obligations of a citizen in our modern democracy? Our governments are constantly being faced with more and more complicated questions. Our political representatives have to act upon them. Public opinion has to function on them. What part must you undertake in understanding your obligations and fulfilling them? Today we are faced in this country with a larger number of vital problems than has ever been presented to one nation. We have serious domestic problems. We have important foreign ones. Many of them must be answered and answered soon.

You must help. Are you prepared? Have these problems been segregated in your mind and studied, even the most important of them? Do you feel confident that you can perform reasonably well your obligations as a citizen in answering them? If your college has not helped you with that research, you must help yourself. Suppose we be more specific. America is now the great creditor nation of the world. It has something more to do than merely to pay its debts. It is a trustee of forty per cent of the world's gold supply and has great reservoirs of credit. How shall it be used for the benefit of our own people? How shall it be used so as to create and maintain stability in the world's exchanges so that this interdependent economic life of all the people of all nations may go on more prosperously? How much do you know about credit and currency? What will you do as an educated citizen on a problem of this kind? The question is raised and is bound to be discussed again, as it has been before, whether silver is to be established on some fixed parity with gold as a monetary metal. When that issue was before us last, it was largely a domestic question. Now, because of the relationship of America to the world, it becomes an international one. Your political representatives may be called upon to act. Public opinion may be required to function. In a democracy, you must act. You have that obligation—how will you perform it? Then again, shall we have a managed currency not based on the supply of one commodity like gold, but expanding and contracting by the exercise of human judgment so as to maintain something like a stable price level on all commodities? That question is being discussed in many countries and will be talked about more. Political representatives may be called upon to act. What is your obligation? How will you perform it? So much as an illustration of some obligations,

remote perhaps, but nevertheless important to citizenship.

■ Now what about the sanctity of obligations and the importance of their punctual performance? That lies back of our whole system of credit and currency. Gold is only a partial cover, perhaps less than ten per cent, of the outstanding currencies and credits. What is back of the other ninety per cent? Economists may tell us that it is commodities in process or in movement. I tell you that it is promises of men. Promises which must be sacred, and promises which must be punctually performed if credits and currencies are to be good. Let me advise you. Any obligation which you make—perform it. If it be for money—pay it. If you can not pay it—renew it, but never neglect it and never default on it. Your credit, not for money alone, but for good faith, depends upon it. The credit of the nation, the value of our currency, the conduct of business, our very living, depend upon the sanctity of public and private obligations.

■ Let us speak of public obligations for a moment. Political parties throughout the world have a more or less prevalent habit of treating lightly the obligations which may have been entered into by their government. That exists to some degree in all countries. It ranges all the way from polite questioning to threats of repudiation. Whether a person or a country should undertake obligations is debatable. Whether they should perform them,

once undertaken, is not. If they are impossible of performance, they should be revised, but they should never be defaulted.

Perhaps I have said enough to indicate to you what I mean by an understanding of obligations and your ability to perform. Please remember that loyalty to them is the basic obligation of all citizens in a civilized society.

■ I commend to you an examination of what your obligations are in this modern world and a continuing study of how you intend to perform them. Democracies will fail unless you do. The political liberty of the individual will be diminished from necessity unless you do. Dictators will arise to perform your responsibilities, and having performed them, they will take their full toll from your liberties. Our colleges are in default in this great field of research and instruction. No diplomas should be granted until men and women know something more about the area of their obligations in life and something more about their duty in their performance.

■ Ladies and Gentlemen, make no mistake about this examination of yours. It is difficult, I know, far more difficult than any you have ever faced. You may shirk giving it to yourself. The world will not shirk giving it to you. So I suggest that you be prepared, and I hope as a result of your efforts, the great university of life will confer upon you ultimately a satisfactory degree.

Supreme Justice's Letter

•

DEAR BROTHERS IN PHI ALPHA DELTA:

We are in the midst of a world wide economic crisis. In spite of its seriousness our government has maintained the United States as the most favored nation in the world. No other nation can claim to be in such good condition with the distressing general disturbances. We as lawyers and as brothers in Phi Alpha Delta should take pride in contributing to the solidarity, the peace and the economic supremacy of our nation.

In every crisis in our history the members of the legal profession have been in the preponderance among our leaders in constructing firm foundations upon which to rear peace and happiness for our citizens.

Today, I say, the world is facing a crisis which is without parallel in history. No man can tell what lies in the tomorrows. America cries out for the highest form of leadership and devotion to the ideals on which this nation was founded. It is no time for the demagogue or the phrase maker. It is the hour for every brother in Phi Alpha Delta to raise his head with pride and with unselfish courage seek to do his bit for his community and nation.

Strive to think right and raise on high the ideals of our profession which will insure faith in our institution and will combat the disconsolate rumblings of those who never knew an ideal and can only think of tearing down for their selfish gain. Maintain the brotherly love of Phi Alpha Delta in your heart. Maintain your interest and contact with the fraternity, either through your active chapter or your alumni chapter. Our strength and ability to contribute to the leadership of the nation depends on *you*. Are you doing your best for the fraternity? If you are you are rendering valiant service. You Alumni write your old chapter or visit them and you active chapter men call in your alumni and seek their advice and help. The closer knit together in the bonds of Phi Alpha Delta we are, the greater our ability to help each other and our fellow citizens.

ALLAN T. GILBERT,
Supreme Justice.

Twenty-Five Years Ago

By GEORGE E. FINK,

Past Supreme Justice

■ No new Chapters were installed between June 16th, 1906, (the date of the installation of Hay Chapter), and July 6th, 1907, when Benson Chapter was installed at Kansas City Law School, Kansas City, Mo., the Supreme Officers devoting their efforts to solidifying the organization as it existed and to conserving the finances preparatory to the missionary work which was planned.

■ Volume One of the Quarterly appeared in December, 1906, and contained Chapter letters from every active chapter of the Fraternity then existent, viz: Blackstone, Campbell, Fuller, Garland, Hay, Magruder, Marshall, Ryan, Story and Webster. There were then no Alumni Chapters.

■ Twenty five years ago three Chapters, Campbell, Magruder and Ryan had Chapter houses; Fuller Chapter was holding its meetings in the Law Club Room on the third floor of the Northwestern University Building, corner of Lake and Dearborn Streets, in Chicago. Story Chapter had a room of its own in the Illinois College of Law school building on the North side of Chicago; Webster Chapter was meeting regularly in a private dining room of the Union Restaurant on Randolph Street in Chicago; Hay Chapter had rented a suite in the Adelbert Dormitory across from the campus of the Western Reserve University at Cleveland, Ohio, and Garland Chapter had rented an office in the largest office building in Little Rock, Arkansas. Marshall Chapter was figuring on permanent quarters, but had not acquired same at the time the Quarterly went to press.

■ The number of the Quarterly above mentioned contained a full page paid advertisement of the real estate firm of F. E. Rutledge & Company, of which firm our present Supreme Vice Justice, Frank E. Rutledge, was then the head. It likewise contained an article entitled "The Professional Fraternity in College Life", by Brother Ernest Milton Halliday, (Campbell '06). It also commented editorially on the Phi Alpha Delta Fraternity table in the Green Room of the Boston Oyster House, which table had been established through the efforts of Brothers Henry V. Ganey and William P. J. Halley of Blackstone Chapter.

Since 1906 the Fraternity has maintained a luncheon table in Chicago's business center. Some of the time this has been a weekly table, but most of the time a daily table, as at present. This table is now in the dining room of the Chicago Bar Association, 160 N. La Salle Street, and was the first law fraternity table to be established there. Any P. A. D. whether a member of the Association or not, may eat there, and write his name on his luncheon check and pay as he leaves.

Brother Ganey was a hard, consistent worker for the Fraternity up to the day of his death several years ago. Brother Halley never entered the practice of the law, but took up politics for a while, and is now engaged in the writing of various kinds of insurance in Chicago.

■ In the news letter of Blackstone Chapter, the officers were listed as M. M. Foley, Justice; Walter Bauch, Treasurer; William P. J. Halley, Financial Secretary; O. I. Wahl, Clerk, and Des-

mond McDonough, Guide. Brother McDonough passed away in New York City about ten years ago.

Campbell Chapter in its letter announced as a matter of interest to its own members, if not to the Fraternity at large, that its house had been newly decorated, and mentioned visits from Brothers Halley of Blackstone Chapter and Fink of Story Chapter.

Twenty-five years ago, Past Supreme Justice Frank L. Fawcett (Ryan), was attending law school at the University of Wisconsin, and in Ryan Chapter's news letter the correspondent of his chapter, Harry Glicksman, says that the sage brushes and mining camps of Southwestern Wisconsin were incessantly stirred by Brother Fawcett "when in his prelegal days he indulged his fatal propensity for oratory, and the habit had not been conquered since his advent into the meshes of legal science, with the result that the balance of us can readily repeat—from hearsay—Web-

ster's reply to Hayne, backward,—and other gems and effusions are slowly sinking to the same saturation point." He also mentioned that Brother Lawrence Ledvina (Past Supreme Justice) had been returned for a second term to the Wisconsin legislature.

Twenty five years ago Past Supreme Justice George L. Stewart was Treasurer of Story Chapter.

■ Brother Lyman P. Wilson of Marshall Chapter contributing to its Chapter news letter, a "Toast" to be sung to the tune of Heidelberg, reading as follows:

"A TOAST"

Here's to the "frat" of sterling worth,
Here's to the name we prize;
Here's to her sons—the best on earth,
Here's to her teachings wise;
Here's to the hearts that beat so true,
Here to old P. A. D.,
Here's to our comrades, old and new,
Here's Our Fraternity!"

The American Scholar

■ Phi Beta Kappa, the college honor society, parent of all Greek-letter societies, published in January, 1932, a new quarterly, THE AMERICAN SCHOLAR. This periodical is designed not only for members of Phi Beta Kappa but for all who have general scholarly interests. It is a non-technical journal of intellectual life.

■ The contents include articles scholarly but non-technical by eminent leaders of thought and action at home and abroad; introducing creative minds to the intellectual world; carefully selected from the work of young scholars, even undergraduates; and interpreting literature to non-critics, physics to non-physicists, and economics to non-economists, for example; and education, art, philosophy, and religion not merely to the professionally interested but to the intellectual generally.

■ The Editor is William Allison Shimer, Ph.D., formerly a professor of philosophy at The Ohio State University: the Consulting Editor, Clark Sutherland Northup, professor of English at Cornell University; and the Editorial Board consists of Ada Louise Comstock, John Erskine, John Huston Finley, Christian Gauss, Will David Howe, Adam Leroy Jones, William Allan Neilson, Harry Allen Overstreet, J. Herman Randall, Jr., and Frederick J. E. Woodbridge.

■ The first number contained articles and poems of exceptional merit. Notable among the contributors were Frank Aydelotte, John W. Davis, John Erskine, John Finley, Dorothy Canfield Fisher, Owen D. Young, and a poem by Hermann Hagedorn. This journal is a distinct contribution to the intellectual life of America.

We Become Less Ethical

By FLOYD ASHER WRIGHT

Professor of Law at the University of Oklahoma

■ Today in many jurisdictions the lawyer is bound by fewer rules of ethics than ever before. His principal concern now in the many situations involving his professional conduct is to be merely law-abiding. More and more he is becoming confronted with definite rules of law in place of a mass of vague ethical prohibitions. It often has been said that everybody is presumed to know the law, *except judges and attorneys*. But now they too are required to know this area of the law which concerns their professional conduct, and are required to conform their acts thereto. The courts in several recent decisions have refused to give consideration to a plea of ignorance of the law on the part of the lawyer relating to his malconduct.

There is much dispute concerning the relation between *law* and *ethics*. Certainly the two overlap; yet they do not coincide. Their fields are neither coterminous; nor is one entirely included within the other. Quite closely related to both is *morals*. Some authors have defined *ethics* as the *philosophy of morals*. But that is not quite accurate. However, *morals* is more closely related to *ethics* than to *law*. *Morals* is controlled by emotions, while *ethics* is based more upon intellectual judgments. *Law* shapes human conduct by coercive force while in each of the others a sense of right and wrong, emotional or intellectual, controls. There is a reciprocal influence among the three since they all deal with identical subject matter, human conduct. Dean Pound has ably described the close relation between law and morals in his book on that subject; and Justice Cardozo in his *Paradoxes of Legal Science* calls to our attention that

law is more and more, even though only gradually, conforming to moral norm patterns, although such norm patterns themselves may be variables.

■ As rules of professional conduct become crystalized into law, they become something more than moral codes and ethical preachments. Bar etiquette becomes absorbed by affirmative legal commands and restraints subjecting the attorney to stern legal realities. Clearly law is rapidly replacing legal ethics. The attorney who refrains from improper practices through fear of fine, imprisonment, or disbarment may have little sense of *vice* and *virtue*. His *conscience* may not be the registering kind. He therefore cannot be given credit for practicing ethics or exemplifying any form of ethical behavior. Rules of law control his acts. He need not resort to ethical impulses or moral convictions to account for his deportment. True, ethics and law have somewhat the same aim, viz., the greatest human happiness through forms of social control. But ethics has a greater degree of subjectivity than has law. Ethics is internal control; law is external. The law deals with objective facts to the exclusion of, at least to a greater degree, mental facts. Admittedly, law must not too far outstrip public ethical and moral consciousness. An attempt at such always results in lax enforcement of the law.

The view that ethics is broader and includes both law and morals, and that law if just must be measured by ethical standards still persists among some. Stammeler of Germany and Del Vecchio of Italy are of that mind. Of course,

it all depends on what we mean by "ethics." *Définissons nos termes*, as Voltaire often said.

Henry Wade Rogers was quite correct when he said: "A lawyer is unworthy of membership in the profession who would regulate his conduct solely according to what the law permits rather than what morality and honor require." To function at its best, law must always be supplemented with a code of ethics, else the law itself loses a degree of its potency. Until recently the lawyer's conscience was over-worked. Too much of his demeanor had to depend upon the unsupported dictates of his conscience. Of late we have discerned that stern legal restraints form a more potent stimulus than the bare, unassisted ethical repressions. We are fast becoming to realize that it is fully desirable that law should spread out over much of the domain formerly occupied solely by legal ethics. Perhaps it is not quite correct to consider these secondary forces upon which the law much depends for its observance as belonging to the scope of ethics; however, that question will be passed over here.

■ Let us contrast *law* and *ethics* a bit further. In the field of professional legal conduct we hear the voice of the *law* uttering the primary commands. *Ethics*, if anything, is only playing the accompaniment to the main chorus. *Law* is fast stealing the show from *ethics*. Their commands differ although the end in view may be the same as to each. *Ethics* says to the lawyer, "Thou shalt maintain towards the Courts a respectful attitude at all times." *Law* says, "If you attack the court by spoken words, in or out of court, by written remarks in newspaper, letter or brief, you are unfit to practice at the bar, because you are obstructing justice"; or, perhaps, "because you are breaching your oath"; or, maybe, "because you are committing acts involving moral turpitude." Therefore, says *law*, "you are disbarred," or,

at least, "suspended until you reform"; and possibly a fine will aid the reformation. In such a situation a term in jail for contempt might more nearly please Her Majesty, the *law*.

■ *Ethics* says, "Thou shalt conduct thyself toward other counsel with candor and fairness." The *law* says, "If you make an unwarranted attack on another attorney, in briefs or elsewhere, you will be disbarred, suspended, or otherwise disciplined." *Ethics* says, "Thou shalt not comingle thy client's funds with thy own, and shalt report promptly money collected." The *law* says, "If you mix your client's money with your own, any loss arising therefrom must fall on you, and if you fail to report at once funds collected you are guilty of conversion warranting suspension or disbarment." *Ethics* says, "Thou shalt not represent conflicting interests." The *law* says, "If you represent conflicting interests you lose your fees, and are subject to possible suspension or other discipline."

Ethics says, "Thou shalt not advertise for or solicit business." *Law* says, "If you engage as, or employ another to act as, an 'ambulance chaser,' 'adjuster,' 'runner,' or 'flopper,' or advertise your services as a shopman does his wares, you are defrauding the public and degrading the profession; and you must be suspended or disbarred." For such behavior *law* will deem you guilty of conduct unbecoming an officer of the court, a minister of justice. In other words, the law pronounces a sort of "Ninety-Fifth Article of War" governing attorneys. Perhaps we might go further and say that law has supplemented this "Ninety-Fifth Article" with a "Ninety-Sixth Article of War."

Ethics announces inhibitions enforced by the lawyer's conscience. *Law* issues commands backed by austere coercive force. *Ethics* talks in expressions of "thou-shalt's" and "thou-shalt-not's," while the *law* speaks in the terms of

"contempts," "fines," "imprisonments," "reprimands," "suspensions," and "disbarments," resting upon the condition, "if you do." *Ethics* has ever chanted her homily, but it, being devoid of coercive threats, often fell on deaf ears. Thus her servants often failed to obey her commands; and, although she in principle had the highest ideals, in practice she was ever slovenly. Many of her supposed adherents never understood, or had the desire to, understand her language. They shunned her, seeking their own ill-gotten lucre. Like Sampson of old they were ever trying to push the very pillars from under the structure bringing down possible destruction upon all. At times some have imagined that they felt the structure trembling over their heads—about to fall. More or less recently a New Jersey judge expressed deep concern with what he interpreted to be a manifest decadence of the bar. He was much moved by the unethical conduct of a member of the bar; but the truly alarming matter was that the attorney could see

nothing improper about his degrading deportment. *Law* timely made her presence known by ejecting the malfactor unceremoniously.

■ Many members of the household are still unaware that *law* has moved in. But she has already dispossessed *ethics* in the states having the new bar act in force; and is rapidly taking possession in many of the other states. She is now busying herself putting the house in order. *Law* speaks in terms which are understood by the lawyer even though he might be devoid of a conscience. With the *law* swiftly taking over the control of the domain of legal professional conduct, it can be anticipated that there will continue to be improvement in the tone of the bench and bar. *Law's* conquest can well be received with cheers and rejoicing. Let's hope that the bar may continue to greet her with joy; and every member by the bar strive to become *law-abiding*, thus assisting in speeding her *coup de grace* leading to victory.



New District Justice Appointed

■ The Supreme Executive Board announces the appointment of Brother Lionel "Bud" Browne as District Justice for the Western District. He succeeds Brother Robert Littler, who was

forced to resign because of business pressure. Brother Browne is Deputy Attorney General of the State of California and is stationed at San Francisco with offices in the State Building.

Restatement of the Law of Property

By HARRY K. ALLEN

Dean of the Washburn College School of Law

Editor's Note: It is believed that the following article will be found interesting to the careful student of law who enjoys intricate problems and will be found helpful to the student who is having difficulties with his problems of future interests.

FOREWORD

■ The American Law Institute is making rapid progress in the restatement of the law of property. The writer has undertaken the annotations of that work for Kansas. The first step is an examination and appraisal of Kansas decisions. When this preliminary work is done the annotations can be formulated. The comment herein is general in nature and not keyed to the restatement. It is merely background work.

Comment on the Kansas decisions may stimulate study and research by the profession. This is necessary if the restatement is to be effective.

Also, it should be stated, these notes represent the substance of debates in the class room. They are, therefore, addressed to the student, and value may accrue to the student by putting in permanent form these class discussions.

ESTATE TAIL OR CONTINGENT REMAINDER

(*Woodley vs. House*, 133 Kan. 638.)

Testator devised property to his daughter A for life only and at her death "shall fall to and be owned by whatever child or children may hereafter be born to her in lawful wedlock, and descendants of such child or children *per stirpes*; and if my daughter A shall die without leaving a child born in lawful wedlock, or descendants of such child or children, then to testator's brothers and sisters. Held, A has estate tail.

Can this result be sustained?

As a starting point, the student must consider what is meant by a definite, and by an indefinite failure of issue. It may be stated in two propositions.

SEC. 1.—Indefinite failure of issue:

- (1.) If land is devised to A for life, and if he die without issue, then to B, it is the settled rule that A takes

an estate tail with remainder to B. Why? Because at common law, die without issue meant an indefinite failure of issue—that is, a failure of issue in any generation. It was in effect a gift to A for life, but if his lineal descendants should ever at any time in the future however remote, become extinct—then the gift to B or his heirs was to take effect. This might not happen in 50 or 500 years: hence the gift to B would be too remote and void because violating the rule against perpetuities. To prevent this disaster to the testator's obvious purpose and to carry out his intention as nearly as possible, the courts elevated the life estate in A to an estate tail, with remainder to B.

(The same result is reached if the gift is to A, *simpliciter*, or to A and his heirs, with gift over on failure of issue.)

SEC. 2.—Definite failure of issue:

(1.) Suppose land to be devised to A and his heirs, and if he die without issue *living at his death—or without issue during the life of B*—then to B and his heirs. Here the executory devise to B is valid, because the failure of issue is to be ascertained within or at the expiration of a life in being and it would not therefore violate the rule against perpetuities. This was decided in 1620 in *Pells v. Brown*, Cro. Jac. 590, and that case was followed in Kansas in *Platt v. Woodland*, 121 Kan. 291. In the latter case the devise was to A and to his heirs and if he should die without children or descendants surviving him, then to B and C. Suppose you translate “die without children or descendants” into “die without issue (see *Doe v. Webber*, 1 Barn. and Ald. 713, which shows that is the correct construction) still it does not raise an estate tail, but a defeasible fee, liable to shift on the happening of the condition subsequent.

SEC. 3.—Propositions 1 and 2 show the distinction between a definite and an indefinite failure of issue. But whether such rules would be applied in case of a gift over, after a prior gift by way of remainder, would depend upon well settled rules of judicial construction. I will attempt to state the principles upon which the courts proceed.

SEC. 4.—Suppose land be devised to A for life, with remainder to his children, and if he die without issue then to B. Here the words, “die without issue”, are referential—that is, they refer to the object or class of objects designated in the last limitation, that is to children. To hold that such words so used import an indefinite failure of issue would be to transmute into estate tail limitations which are regularly held to be either concurrent remainders or executory devises and would go far beyond the

English courts when entailments were common form of land settlements. (See Sec. 10, *post*.)

SEC. 5.—Thus, in the last illustration (devise to A for life, remainder to his children, and if he die without issue then to B), if there be a child of A in being at the death of the testator, the whole fee vests in such child and is liable to be partially divested by the birth of other children. The limitation over then becomes inoperative. If A has no child in being at the death of the testator the remainder is contingent, but will vest if a child be born during the life of A; and the same effect is produced. But, if A never has a child, then the first remainder will continue a contingent remainder in fee, and the subsequent remainder to B will, under *Lodding v. Kine*, 1 Salk. 224, be a contingent remainder—in other words a concurrent contingent remainder.

SEC. 6.—In *Goodright v. Dunham*, 1 Dong. 265; 99 Eng. Rept. 173, there was a devise to A for life, and after his death to all and every one of his children equally, and to their heirs and in case he dies without issue, then to B and C.

Lord Mansfield: “Neither side thought it could be maintained that A took an estate tail. The words, ‘and in case he die without issue’, being tacked to the preceding clause, must mean the same thing as ‘In case he die without children.’” A died without issue. Held, life estate with concurrent contingent remainders. In other words, die without issue was not construed to mean an indefinite failure of issue. In *Doe v. Perry*, 3 T. R. 484; 100 Eng. Rept. 690, there was a devise to B (wife of A) for life, remainder to children of A and B and their heirs, to be divided among them equally, and in default of such issue, then over. A and B having no children, Held, life estate with contingent remainder, and not an estate tail.

In *Sheets Appeal*, 52 Pa. St. 257

testator devised land to his children, A, B and C, for life and after death of any of said children to the children of such deceased child: *Provided*, if any child die without issue his share to go to the surviving children. The court said:

"This brings us to consider the effect of the ultimate limitation over in default of issue of the testator's children. In the court below it was construed as a remainder to issue generally, and hence uniting with the estate for life, and constituting an estate tail in each child, which by the Act of April 27, 1855, became a fee simple in the land, and of course an absolute interest in the personality. Such a construction cannot be sustained. . . . Moreover, both in regard to realty and personality, it is an unbending rule that when a fee simple or an absolute interest is given in remainder after an estate for life to the children of the first taker, words following containing a limitation over on default of his issue are held not to raise an estate tail by implication. In this class of cases *issue* is construed to mean *such issue; that is, children.*" (See, also, *Powell v. Board of Domestic Missions*, 49 Pa. St. at page 57.)

The opinion of the court in *Sheet's Appeal*, and also in the *Powell* case was written by Justice William Strong, elevated to the U. S. Supreme Court in 1870. They are well worth close study by the student. They show the jurist was familiar with the text of Hays and other leading expounders of the Rule in *Shelley's Case*.

SEC. 7.—In the *Woodley* case the first remainder was to "whatever child or children may hereafter be born to her in lawful wedlock (stopping here, children are words of purchase), and descendants of such child or children *per stirpes.*" But this latter clause is merely declaratory of the Kansas statute of descents (Sec. 22-118) and the words "*per stirpes*" show the issue or descendants of a deceased child are to take by representation. It connotes a new stock of

descent and is the antithesis of heirs of the body. By every rule of judicial construction the clause quoted does not change "child or children" to mean "heirs of the body."

SEC. 8.—If the proposition last above is true, then it would be immaterial if the alternative limitation, "and if my daughter shall die without leaving a child born in lawful wedlock, or descendants of such child or children," should be translated to mean "if she die without issue" *it still would not raise an estate tail.* We would merely have this situation: Devise to A for life, remainder to any child or children born in lawful wedlock; and if she die without issue, then to B. In other words, the situation in *Goodright v. Dunham*, *supra*, where, as Lord Mansfield said, neither side had the temerity to contend it was an estate tail.

SEC. 9.—*Brown v. Boone*, 129 Kan. 786, is distinguished on the ground that in that case there was restriction of alienation in the life tenant. In the leading case of *Perrin v. Blake*, 1 W. Bl. 672, decided in 1770, the same restriction appeared. In Blackstone's celebrated opinion in that case he held it did not affect the application of the rule in *Shelley's case*, and so it has been held by a long stream of cases from then till now. In other words, the presence of the restrictive clause does not repel the rule, if otherwise applicable.

SEC. 10.—By way of illustration let the student consider the following limitations:

A—Devise to A for life, remainder to the heirs of his body, share and share alike as tenants in common, and for want of such issue to B.

B—Devise to A for life, remainder to his children B and C, and if either B or C die before A, his share to the survivor.

C—Devise to A for life, and if he shall have a son, to such son in fee; but if he have no son, to B.

There is a superficial resemblance between these limitations, but the distinctions between them are structural and vital.

Limitation:

A—Raise an estate tail in A under Shelley's case (Jesson and Wright, 2 Bli. 1).

B—Gives life estate to A with vested remainders in B and C liable to be divested on condition subsequent—in other words, this is a shifting executory devise or what Fearnce and most writers call a conditional limitation. (*Blanchard v. Blanchard*, 1 Allen, 223.)

C—Creates an alternative contingent remainder. (*Loddington v. Kine*, *supra*.)

It is respectfully submitted that the Woodley Case falls under class C and created a life estate with concurrent contingent remainders.

SEC. 11.—I have attempted to state the settled rules of construction in this class of cases. The word children is a word of purchase, and should receive that construction unless there is a strong and controlling context. Blackstone in *Perrin v. Blake*, *supra*, said:

"Every testator, when he uses the legal idiom, shall be supposed to use it in its legal meaning, unless he plainly declares he uses it otherwise. And if the contrary doctrines should prevail; if courts should indulge an unlimited latitude of forming conjectures on wills, instead of attending to their grammatical or legal construction, the consequence must be endless litigation. Every title to an estate that depends upon a will must be brought into Westminster Hall; for if once we depart from the established rules of interpretation, without a moral certainty the meaning of the testator requires it, no interpretation can be safe till it has received the sanction of a court of justice. . . . It were better that the statute of wills be totally repealed than be made the instrument of introducing a vague discretionary

law, formed upon the occasion from the circumstances of every case; to which no precedent can be applied, and from which no rule can be deduced."

DESTRUCTION OF CONTINGENT REMAINDERS

(*Walker v. Row*, 132 Kan. 564.)

SEC. 12.—In the above case testator devised one parcel of land to his daughter B for life, and at her death to be divided between her living children. He devised another parcel to his daughter M for life, and at her death to be divided between her children.

The court held both remainders contingent. The first because of the form of the limitation, and the second because the daughter M had no children. No point is made as to the correctness of these conclusions. The first remainder was contingent under *Purl v. Purl*, 108 Kan. 673, and of course the second would be contingent until the birth of a child, when it would vest in such child, subject to being partially divested and let in other children.

However, on page 567 the court said: "We note that plaintiffs hold quit claim deeds to the properties from all the heirs of the testator, but these are of no consequence in this law suit."

SEC. 13.—It is respectfully submitted that by the settled rules of the common law, deeds from the life tenants and all the heirs of the testator would vest a fee simple title in the purchaser.

To begin with, let the student consider the nature of a reversion as shown by the following limitations:

1. X to A for life.
2. X to A and the heirs of his body.
3. X to A for life, remainder to the heirs of X.
4. X to A for life, remainder to his surviving children.

In each case X has a reversion. In the first case it will be agreed without argument. In the second case, since the statute *De Donis*, X has the reversion. (*Ewing vs. Nesbit*, 88 Kan. 708.)

In the third case X likewise has a reversion. Why? Because heirs take by descent and not by purchase. The attempt to make them purchasers is futile, and the remainder is void: Therefore, the third limitation in the eye of the law is the same as the first, that is, merely a gift to A for life.

So, too, in the fourth illustration, being a life estate with a contingent remainder, and being the case at bar, X has the reversion. The reason is set forth by Mr. Fearne in his essay on contingent remainders. After reviewing all the authorities he said:

"In short, to bring this doctrine to the test of common reason, we may state it thus: A man makes a disposition of a remainder or future interest, which is to take no effect at all until a future event or contingency happens; it is admitted that no interest passes by such a disposition to anybody, before the event referred to takes place. The question is, what becomes of the intermediate reversionary interest, from the time of making such future disposition until it takes effect? If it was in the grantor or testator at the time of making such disposition, it is confessedly not included in it. The natural conclusion seems to be, that it remains where it was: *viz.*, in the grantor or the testator and his heirs, for want of being departed with to anybody else."

SEC. 14.—A contingent remainder must have a particular estate of free hold to support it, usually a life estate. At common law if such life estate came to an end before the contingent remainder vested, then such contingent remainder was destroyed.

But at common law, such life estate was liable to terminate *before the death of the life tenant* in a variety of ways: by forfeiture for treason; by tortious alienation; or by merger. Whether our law would prevent termination of the life estate by forfeiture or tortious alienation we are not here concerned. But it is submitted, there is no reason

that the life estate may not be destroyed by merger under our law. In fact it is a familiar principle and constantly applied by our courts. Suppose a conveyance or devise to A for life, remainder to B and his heirs. B now conveys his remainder in fee to A. A now has the entire estate—a fee simple. This is accomplished by the merger of the two estates. When two estates of the same character meet in one person they coalesce, the smaller estate is drowned in the larger—and form but one estate. In other words, by merger the life estate of A is destroyed in the life time of A. (2 Blackstone, 177.)

Bearing in mind these fundamental doctrines, let us suppose that testator has three children, A, B and C, who are his only heirs. By his will he gives a parcel of land to A for life, with contingent remainders over. A has a life estate all will agree. Where is the inheritance—the fee? Why in the heirs of the testator, in A, B and C. (So if he give another parcel to B and the heirs of his body—subject to the estate tail in B—the reversion would be in his heirs, A, B and C.)

So it was held from the earliest times that if the life tenant and the reversioners convey to a third party, before the contingent remainders vest, then such interests merge and such contingent remainders are destroyed. (Of course a contingent remainder being no estate and being a mere chance or prospect of an estate is not destroyed. It is a convenient phrase to carry the ideal that the particular estate is destroyed and therefore such interests can never vest.)

SEC. 15.—In *Purefoy v. Rogers*, 2 Wms. Saunders, 380, decided in 1670, testator devised a life estate with contingent remainder over. The life tenant and the reversioner conveyed to a third party. Hale, chief justice, said, "The particular estate being once merged, the contingent remainder is wholly destroyed."

Perhaps the leading case is *Egerton v.*

Massey, 3 C. B. (N.S.) 338, decided by Cockburn, chief justice, in 1857. Here, too, there was a life estate with contingent remainders over. Life tenant, who was also the reversioner, conveyed to a third person. And it was held that the contingent remainders were destroyed and the grantee took a fee simple.

In the well known case of *Bond v. Moore*, 236 Ill. 576, 86 N.E. 386, 19 L. R. A. (N. S.) 540, decided in 1908, testatrix had an only son L. C. By her will she devised land to him for life, with contingent remainders over. The son, thus having the life estate and the reversion, conveyed to a third party who executed a declaration of trust back to him. Mr. Kales was of counsel in that case and it is needless to say, all the authorities to that date were marshalled and analyzed. The court held the life estate was merged in the fee in such grantee, and the contingent remainders were destroyed. This gave the grantee a perfect title.

Other cases to the same effect:

Bennett v. Morris, 5 Rawle (Pa.), 9,
Craig v. Warner, 5 Mackey D. C. 460,
60 Am. Rep. 381,

Faber v. Police, 10 S. C. 376,
Gray v. Shinn, 293 Ill. 573, 127 N. E.
755

SEC. 16.—The rule is plain. Whether suited to the social needs of the Kansas prairies or not, it is a part of the common law. The Legislature has not spoken. Estates tail can be docked by a simple deed by the donee, thereby destroying the reversion in grantor, or heirs of the testator, and the expectancy in the issue of the donee. So, the common law permits the contingent remainder to be docked or destroyed by a deed from the life tenant and reversioner. When you destroy a contingent remainder, you destroy a mere chance of an estate. Compared to this, docking an estate tail is a major operation.

Both have the merit of throwing land on the market at an early date to meet

the needs of a commercial people, and this, Blackstone thought, was a weighty reason to support the rule in Shelley's case. If our court could see its way clear to adopt the statute De Donis and its progeny of entailments, conceived in family pride, born in feudality and nourished on primogeniture, it would seem this offspring of merger, with similar characteristics, ought not to be excluded from the family fireside.

It is submitted that the deeds from the life tenant and "all the heirs of the testator" passed the fee simple title to the grantee.

STATUTORY DEFINITIONS OF VESTED REMAINDER IN KANSAS

(*Caple vs. Warburton*, 125 Kan. 290)

SEC. 17.—Testator devised land to his wife A for life, and after her death to his son B for life "and thereafter to his legal heirs."

Under the rule in Shelley's case, a limitation to A for life, remainder to his heirs, would raise a fee simple in A.

Under a will at common law, or under a deed in Kansas today, the limitation in the Caple case would give a life estate in A with a remainder in fee simple to B.

Under section 22-256 R. S. 1923, as construed in *McCartney v. Robbins*, 114 Kan. 141, 217 Pac. 311, the son B would take a life estate, with a contingent remainder in his heirs.

Fearne says:

"An estate is vested in possession, when there exists a right of present enjoyment.

"An estate is vested, when there is an immediate fixed right of present or future enjoyment.

"An estate is contingent, when a right of enjoyment is to accrue, on an event which is dubious and uncertain."

In the case at bar, therefore, A had a life estate vested in possession, and B had a life estate vested in interest. The court so held.

SEC. 18.—But *Caple v. Warburton* brings up a question, not argued by court or counsel, the importance of which far transcends the obvious one noted above. The court in making the distinction between a vested and contingent remainder, quotes a passage from the Kansas statute as to taxation of legacies and successions, being the last sentence of Sec. 79-1504, as follows:

“Vested estates in remainder, as used herein, shall include all estates where remainderman, being alive, would take at once if the life tenant were to die.”

In New York, the Legislature at an early date undertook to define and classify future interests in land and to abolish the distinctions between remainders and executory limitations. The New York statute declared:

“Future estates are either vested or contingent. They are vested when there is a person in being who would have an immediate right to the possession of the lands upon the ceasing of the intermediate or precedent estate.”

While the penning of the Kansas statute is different from the New York statute, the substance is the same. Both statutes declare that if the remainderman is “alive” or “in being” and would take at once, then the remainder is vested.

SEC. 19.—That these definitions of a vested remainder are contrary to the common law will clearly appear from several illustrations. For instance, take a devise to A for life, remainder to his heirs. In jurisdictions where Shelley’s case has been abolished as to such limitations, the usual interpretation is that it gives a life estate to A with a contingent remainder to his heirs. (*McCartney v. Robbins*, 114 Kan. 141, 217 Pac. 311. *Trumbull v. Trumbull*, 149 Mass. 200, 21 N. E. 366, 4 L. R. A. 117. *Walcott v. Robinson*, 214 Mass. 172, 100 N. E. 1109.)

However, under the New York statute the same limitation was held to create a vested remainder. In the important

case of *Moore v. Little*, 41 N. Y. 66, familiar to all property lawyers, there was a conveyance to A for life and after his death to his heirs. A had twelve children. The question hinged on whether the children took vested or contingent remainders. The court followed the mandate of the statute—the children were in being, and would have an immediate right to the possession upon the ceasing of the precedent estate—and therefore held they took vested remainders.

SEC. 20.—But the common law says a living person can have no heirs. An heir takes by descent and not by purchase. Hence, unless the context changes the primary meaning of the word, the court will adhere to the primary meaning. Until death of the life tenant identity of heirs cannot be determined. This is what our court held in *McCartney v. Robbins*, *supra*. But the Kansas statute quoted would change this, and any children of A in existence would take vested remainders. Thus the adoption of the statute, as a *general canon of construction*, would upset *McCartney v. Robbins*.

SEC. 21.—Again, let the limitation be to A for life, remainder to his surviving children.

Here the gift in remainder is to a class. The common law says that only those of the class who should be alive when A dies are entitled to take at all, and as the members of that class who will survive the life tenant cannot be ascertained until the death of such tenant, it is uncertain until that event happens that any one of the class will fill the description. In other words, the death of the life tenant is a condition precedent to the ascertainment and identification of the remaindermen who are to take.

But the statutes quoted above declare that all members of the class who are in existence during the life of the life tenant take vested remainders, even though the deed or will creating the

estates nominates those only of the class who are *in esse* when the particular estate falls in to take the estate at all.

Concretely, take *Purl v. Purl*, 108 Kan. 673. There the devise was to A for life, remainder to her children, if she has any living. There were four children. Testator had nominated certain members of the class to take—those living at death of the life tenant. The common law allowed it, and the court awarded it. But Sec. 70-1504 declares that these children being alive and ready to take at once have vested remainders.

Under the common law rule as to vested remainders, the remaindermen must be ascertained and identified. Under a gift to a class such as to "surviving children" this rule is not satisfied. But a limitation so framed would comply with the statute.

It is clear, therefore, that Sec. 79-1504 if followed would cause a departure from the doctrine as laid down in *Purl v. Purl*.

SEC. 22.—Take a third illustration. Suppose a devise to A and B for life, remainder to the survivor in fee. Here the common law says the remainder is contingent, for until one die it is uncertain which will be the survivor. But since A and B are alive and are ready to take, the statute would give them vested remainders.

In such cases, in the view of the common law, whether the remainders will ever vest in possession depends not on one but on two contingencies, which at first glance are not perceived:

1.—Whether the remaindermen answer the description.

2.—Whether they survive the life tenant.

In other words, for a remainder to vest in interest, not only must it be capable of taking effect in possession at any moment the life estate falls in, but the identity of the remainderman must be fixed during the continuance of the life estate and not merely at its determination.

A remainder is vested when a definite interest is created in a certain person, and no further condition is imposed than the determination of the preceding estate. It is not sufficient that there is a person in being who has the present capacity to take the remainder if the particular estate be presently determined. It must also appear that there are no other contingencies. (*Gollday v. Knox*, 235 Ill. 412, 85 N. E. 649.)

SEC. 23.—Of course, if the remaindermen are identified the remainder may be vested, though liable to be divested by condition subsequent. Thus, testator devises land to his wife A for life, and after her death to his children, B, C and D, provided if any child die before A without children, his share to the survivors. Here both the common law rule and the statutes above quoted, the remainders in the named children are vested, subject to be divested by the executory devise over. (*Blanchard v. Blanchard*, 1 Allen, 223; *Dowd v. Scally* (Iowa), 184 N. W 340.)

It is true that Chancellor Kent (4 Kent Com. 228) said the New York statutory definition of a vested remainder accurately and fully expressed the common law rule, but in his own classification of contingent remainders he follows Fearn. (4 Kent Com. 233.)

Following the casual statement by Kent, many courts, including the United States Supreme Court (*Croxall v. Sherard*, 5 Wall 268) have followed the New York statutory rule.

SEC. 24.—Kansas has never attempted by general statute to classify and define future interests in land, but has wisely left the common law rules to be applied by the courts.

In dealing with the taxation of legacies and successions, the Kansas Statute (R. S. 79-1504) said: "Vested estates in remainder, as used herein," etc. Evidently remainders were defined by the statute for the purposes of taxation only. But the Caple case brings forward this taxation statute as a general definition

of a vested remainder, and thereby incorporate it into our common law. It is not believed so radical a change was contemplated.

ESTATE TAIL AND CONTINGENT REMAINDER

Klingman v. Gilbert, 90 Kan. 545,
135 Pac. 682.

SEC. 25.—In the above case, testator devised land as follows:

"I give and bequeath to my daughter, Mrs. Altha Moody, and sons, John D. and Henry L. Gilbert, for the period of their natural lives, all real estate of which I am now or may at my death be legally seized, each of said sons and daughters to share equally. Upon the death of said sons or daughters, or either of them, their respective shares shall descend as follows: The shares of the sons shall descend to their widows to be used and enjoyed by them during the period of their natural lives or until they shall again marry and upon the death of said widows the interest of each shall descend to the heirs of the body of said sons in fee simple. If said daughter shall be survived by issue, her estate shall descend to such issue, but failing such issue, her estate shall descend to said sons and upon their death to the surviving widows, if any, of said sons for life or until they shall again marry and upon their death to the heirs of the body of said sons in fee simple."

SEC. 26.—It is apparent that the limitation to the daughter is separate and distinct from the limitation to the two sons. The gift to the sons may be stated thus:

Devise to A and B for life, at their death to their widows for life, or until they marry again, and upon the death of said widows, the heirs of the body of said sons in fee simple.

What estate did the sons take?

Under the rule in *Shelley's case* the devise creates estates tail in the two sons, unless the superadded words "in

fee simple" control and modify the primary meaning of "heirs of the body." The words "heirs of the body" are words of known import, and words of distribution such as "share and share alike, as tenants in common" will not translate their meaning into "children". It was so determined by the highest authority. (*Jesson v. Wright*, 2 Bligh. 1, Eng. Repr. vol. 4, p. 230; *Anderson v. Anderson*, 30 Beav. 209, 54 Eng. Repr. 868; *Holt v. Pickell*, 111 Ala. 362, 20 So. 432.)

If an estate tail was created the sons could convey a fee simple under the Kansas rule. But if the modifying words control, which would seem to be the correct construction (see *Benson v. Tanner*, 277 Ill. 156, 115 N. E. 191) then we would have a life estate with a contingent remainder, and the fee would pass by merger as hereinafter explained.

SEC. 27.—The gift to the daughter may be stated in this manner:

Devise to C for life, and if she shall be survived by issue, to such issue, but failing such issue, then to the sons A and B for life, then to their surviving widows for life, or remarriage, then to the heirs of the body of the sons in fee simple.

This language creates a concurrent contingent remainder. If C shall have issue the estate goes to them, and, under our statute it is a contingent remainder in fee. As there cannot be a vested remainder after a contingent remainder in fee, the ultimate remainder to the sons in fee tail is also contingent. The daughter took a life estate, with alternate contingent remainders, the reversion in the fee remaining in the heirs of the testator.

In the principal case the three devisees in the will were the only heirs at law of the testator and all joined in a conveyance of the premises in question.

SEC. 28.—When a life estate and the reversion in fee vest, by conveyance in a third person, the life estate is merged in the fee and the grantee acquires a fee

simple title to the premises conveyed. If contingent remainders are limited after a particular estate of freehold, a life estate or estate tail, and that prior estate is destroyed by merger before its natural termination, the remainders are also destroyed. A concurrence of these two situations is known as the destruction of contingent remainders by merger.

In this case, the deed of the life tenant conveyed a life estate, and the reversion in fee having descended to the heirs at law of the testator, their conveyance as heirs passed the reversionary fee. The purchaser then holding a life estate and the reversion in fee acquired a fee simple by the merger to the two estates and the contingent remainders were destroyed.

This construction lays out of the case any question of perpetuities, or of indefinite failure of issue discussed at length by the court. It is submitted the plaintiff acquired a good title.

THE NATURE OF A REVERSION

Bunting v. Speek, 41 Kan. 424.

SEC. 29.—Testator devised land to his wife, A, “during her life time, and then they are to descend to my legal heirs.”

The opinion of the learned commissioner covers 31 pages, and is an attempt to draw the line, set the stakes, and fix the boundaries for all time to come, between vested and contingent remainders. The purpose was, as stated, to “relieve the title to real property within our borders from all perplexing entanglements, and to produce a system whose operations are safe and natural, and easily understood by the ordinary mind.”

The remarks of Lord MacNaghten in *Van Grutten v. Foxwell* (H. L. 1897), App. Cas. 658, in discussing a case decided by Lord St. Leonards, are appropriate here:

“The result was unfortunate, no difficulties were cleared up—no doubtful points explained; and *Montgomery v.*

Montgomery, 3 J. and Lat. 47, is never cited except when it is desired to minimize the effect of *Jesson v. Wright*, 2 Bli. 1, Eng. Repr. vol. 4, p. 230, and it is always cited then.”

The student may have observed that *Bunting v. Speek* has not been cited in recent years by our Supreme Court, except to minimize its effect. The reason is plain. It was an effort (as I shall attempt to show in a separate paper) to adopt by judicial fiat the New York statutory definition of a vested remainder, instead of the common law theory of such remainder.

However, in *Kirkpatrick v. Kirkpatrick*, 112 Kan. 1. c. 319, and in *McCartney v. Robbins*, 114 Kan. 1. c. 141, it seems to be admitted that the limitation in *Bunting v. Speek* above quoted created a vested remainder.

SEC. 30.—The purpose of this paper is, with the greatest deference, to question the correctness of the decision itself. In other words, I think it can be shown that according to the rules of the common law, long settled, the question in the case was not whether the remainder was vested or contingent, *but whether there was a remainder at all.*

The limitation in form of a remainder was not a true remainder, but a reversion. The only effect of the will was to give a life estate to the widow. The remainder was void.

At common law, title to land was acquired in two modes—by descent and by purchase. An heir takes by descent. By the very definition of the word, an heir must take by descent—by succession on death of another. The moment this proposition is agreed to, then it must be conceded that an heir, *as an heir*, cannot take as a purchaser—that is, *as an heir*, he cannot be a grantee in a deed, nor devisee in a will. Of course when the context changes the primary meaning of heirs to children, the rule does not apply. It is this same principle that supports the rule in *Shelley's* case.

SEC. 31.—Mr. Hargrave covers the point completely:

"It is a positive rule of our law, that a man cannot raise a fee simple to his own right heirs as purchasers, either by legal conveyance, by conveyance to uses, or by devise. By this it is meant that where the ancestor, by any sort of conveyance, appoints that at his death his heirs shall, by gift from him, come to that very inheritance which the law of descent or succession throws upon the heirs at law, it is construed as a vain and fruitless attempt to give that to the heirs which the law itself vests in them; it is speaking what the law speaks; and to give effect to such a designation by every ancestor, and so to enable him to convert the title to his heirs by descent into a purchase, might lead to a gradual undermining of the whole law of inheritance. . . . But if our law had stopped here, its policy against blending the effect of purchase with descent would have been imperfectly guarded; for the last-mentioned rule applies only to the acts of an ancestor as between him and his own heirs. It was therefore requisite to have a like barrier as to acts between persons not standing towards each other in the relations of ancestor and heir. Otherwise, upon every new gift or conveyance of inheritance by its owner to a new proprietor, it might have been made a part of the original terms of the donation, that it should be incident to the estate passed to the donee and his heirs that his heirs should, notwithstanding, come in by purchase. It is for the prevention of this latter evasion of the policy against confounding the law's distinction of descent with purchase, that the rule in *Shelley's* case was calculated. For what is the short amount of it? It is simply this, that no man shall raise in another an estate of inheritance, and at the same time make the heirs of that person purchasers. . . . In fact, the rule in *Shelley's* case is nothing more than a negative upon an indirect mode of introducing

a real heir in the assumed form of a purchaser." Hargrave's Law Tracts, 551.

In *Watkins on Descents*, page 270-1, it is said:

"When a man devises such land to his right heirs without changing the tenure or quality of the lands, although he charge them with debts or other incumbrances, yet the heir shall be in by descent" . . . "for if a man devise land to his heir . . . he shall take by descent." See also *Challis, Real Prop.*, p. 239. 1 *Tiffany, Real Prop.*, sec. 130.

SEC. 32.—In *Purefoy v. Rogers*, 2 Wms. Saund. 380, decided in the year 1670, after a life estate with contingent remainders, there was a final gift to the heirs of the testator. Counsel contended the reversion was in abeyance, "But Hale, Chief Justice, interrupted him, and said it was clear the reversion was in the heir by descent."

In *West Tennessee Co. v. Townes*, 52 Fed. (2nd) 764, decided by the Federal District Court of Mississippi in August, 1931, after a life estate with contingent remainders there was in default of such remaindermen, a final limitation to the right heirs of the testator. It was held they took by descent and not by purchase.

In *Mayes v. Kuykendall* (Ky.), 112 S. W. 673, a husband conveyed land to his wife for life, and at her death "to my lawful heirs." Quoting 2 Washburn on Real Prop. sec. 1525, the court held the remainder void. The grantor had the reversion which passed under his subsequent will. See also,

Williams v. Green (Miss.), 91 So. 39.

Nuckols v. Davis (Ky.), 221 S. W. 507.

In *Akers v. Clark*, 184 Ill. 136, 56 N. E. 296, 75 Am. St. Rep. 152, there was a deed giving a life estate to the grantee, with a remainder to the heirs of the grantor. Held a life estate only, was granted—the remainder was a reversion.

Other Illinois cases follow the rule. *Biwer v. Martin*, 294 Ill. 488, 128 N. E. 518; *Hobble v. Ogden*, 178 Ill. 357, 53 N. E. 104; *Burton v. Boren*, 308 Ill. 440, 139 N. E. 868.

The rule is recognized in Tennessee and Texas. *Robinson v. Blankenship*, 116 Tenn. 394, 92 S. W. 854; *Glenn v. Holt* (Tex.), 229 S. W. 684.

In *Doctor v. Hughes*, 225 N. Y. 305, 122 N. E. 221, grantor conveyed land to trustees to pay rents and profits to grantor during his life and at his death the trustees were to convey the land "to the heirs at law" of the grantor. The grantor had two children, and the credi-

tors of one child attempted to subject his interest to the lien of a judgment. The court by Cardozo, J., held the reversion was in the grantor, and the only interest the child had was an expectancy, subject to destruction at the will of the grantor.

SEC. 33.—Thus it appears that the fundamental reason for this rule is the same as the reason for the rule in *Shelley's* case. When land is limited to A for life, remainder to his heirs, the attempt is to give the land to the heirs as purchasers. Logically, if this rule is not recognized in Kansas, then the rule in *Shelley's* case must be abrogated.

BREEZY POINT LODGE PEQUOT, MINNESOTA



PHI ALPHA DELTA CONVENTION,

August 31st and September 1st and 2nd, 1932

Our Patent System

By

BERNARD F. GARVEY

L.L.B., M.P.L.

*Professor of Patent and Trade
Mark Law, Columbus University,
Washington, D. C.*

*"Congress shall have the power
* * * to promote the progress
of science and the useful arts,
by securing for limited times
to authors and inventors the
exclusive right to their writ-
ings and discoveries."*



■ The almost infinite wisdom of our forefathers in writing the above clause into the Constitution of the United States (Art. 1, Sec. 8) is responsible, in no small measure, for the industrial greatness of the United States, which transcends that of any other country in the world. This clause of the Constitution is the fountain source of our entire patent and copyright system. This mere thread, fortunately fabricated as a part of the Constitution, was destined to be the medium of endowing the United States with inventive ingenuity unparalleled and undisputed commercial supremacy among the nations of the world.

For centuries prior to the enactment of our first patent laws, we find our forefathers engaged in purely agricultural and non-industrial pursuits. The earth's surface was tilled by manually made and manually operated implements, manifestly permitting the cultivation of very limited areas for the production of the necessities of life. After the inception of our patent system, with its generous provisions in rewarding the ingenuity of mankind for the disclosure of his invention to the public, the advancement of agriculture was

spontaneous and the child of industry was begotten, nourished and reared. It has been properly said that our patents are the very cornerstone of American industry. Without them we would no doubt be still floundering with the primitive means used for centuries before our patent laws came into being.

■ Pursuant to the ratification of the United States Constitution, our first patent act was passed in 1790, followed by amendments and further acts tending to iron out imperfections in the previous laws. In 1870 the law entitled "An Act to Revise, Consolidate and Amend the Statutes Relating to Patents and Copyrights", made the first real step forward, toward the establishment of an impregnable patent system and much of this act remains in force, even at this time. It is of interest to note that in the first year of the enactment of the pioneer patent act (1790), three patents were granted. This number gradually increased each year until, fifty years later, to wit, in 1840, four hundred and seventy-three patents were granted for that year. At present, patents are

granted at the rate of about one thousand a week.

■ In Sec. 4886 of the Revised Statutes, as amended by the Act of March 3, 1897, we find one of the most potent reasons for the success of our American patent system. This Section has been interpreted to permit any one to obtain a patent, immaterial of age, race, sex or color, on any new or useful art, machine, manufacture or composition of matter. It is necessary that the patent be granted for a limited period of time, as provided in Art. 1, Sec. 8, of the Constitution, and at present, a patent is granted for a period of seventeen years. During this seventeen years the patentee has the right to exclude others from manufacturing, using and selling the invention. There is no compulsion on him to work his invention during this period and consequently, it is within his power, if he sees fit, to keep the invention from the market during the life of the patent (seventeen years). *Continental Paper Bag Co. v. Eastern Paper Bag Co.*, 210 U. S. 405; *Standard Sanitary Mfg. Co. v. U. S.*, 226 U. S. 20. At the end of seventeen years, the invention is automatically dedicated to the public together with the name, if any, by which the invention was known during the life of the patent. *Singer Mfg. Co. v. June Mfg. Co.*, 163 U. S. 169, affirmed in *Holzapfel v. Rahtjens*, 183 U. S. 1.

NEGATIVE RULES OF INVENTION

■ Under Sec. 4886, Rev. Stat., a patent will not be granted in the United States on an invention which is not new and useful. The invention must not have been known or used by others in this country before the invention or discovery, and must not have been patented or described in any printed publication in this or any foreign country before the invention or discovery thereof. Furthermore, a valid patent cannot be obtained in the United States on an inven-

tion which has been in public use or on sale in this country for more than two years prior to the application for letters patent in this country, unless the invention is proved to have been abandoned. A valid patent cannot be granted on a law of nature (*O'Reilly v. Morse*, 15 How. 62); neither can a valid patent be granted on a system or method of transacting business (*Guthrie v. Curlett*, 10 F. (2d) 725.)

A distinction is to be drawn between an invention which is in public use and hence, is unpatentable under Sec. 4886, Rev. Stat., and use in public for experimental purposes, which may extend over a period of two years. It very often happens that an invention is used in public experimentally for more than two years to test the invention under various weather conditions, etc., but this does not come within the prohibition of the Statute pertaining to public use (*Elizabeth v. Pavement Co.*, 97 U. S. 134).

THE PATENT MONOPOLY

■ Patents are usually referred to as monopolies, but in the strict legal sense they do not correspond to the definition of a monopoly. A patent, unlike a monopoly, takes away no right from the public which the latter enjoyed before. On the contrary, the patent gives to the public something which it never had before. A patent is a monopoly in that no one can manufacture, use and sell the same without the consent of the owner thereof during the life of the patent. The metes and bounds of this monopoly have been well defined by the Courts in many cases, illustrative of which are *U. S. v. United Shoe Mach. Co.*, 258 U. S. 451; *Bauer v. O'Donnell*, 229 U. S. 1; *U. S. v. Eastman Kodak Co.*, 226 Fed. 62. The now celebrated case of *Motion Picture Patents Co. v. Universal Film Mfg. Co. et al*, 243 U. S. 502, is perhaps the most illuminating decision dealing with the patent monopoly and is in effect, a re-

capitulation of the previous decisions of the Supreme Court of the United States. Neither in this case, nor in any of the others decided by the Supreme Court of the United States, has there been any tendency of depriving the patentee of his right to exclude others from the manufacture, use and sale of his invention for a period of seventeen years. His patent is regarded as a contractual right between the United States and himself, through the medium of which he enjoys the fruits of his invention, exclusively, over a limited period of years, in exchange for a full disclosure of his invention, which passes into the public domain at the expiration of the term for which the patent has been granted. The Supreme Court has, however, definitely eliminated price fixing as an appurtenance to the patent monopoly. There is no right of renewal of the patent except by Act of Congress and consequently, there is no retrocession of this right to the inventor.

UNITED STATES PATENT OFFICE

■ For some years the Patent Office has been greatly handicapped because of an inadequate examining corps, which, however, has been considerably augmented in the past couple of years. This, coupled with the fact that the Patent Office now occupies better and more spacious facilities in the new Commerce Building in the Nation's Capitol, augurs well for a continued improvement in expediting patent applications. This means that patents will issue more promptly and be made available to the public at a much earlier date. Furthermore, the rights of the inventor are thereby better safeguarded. A right of action for infringement does not accrue until after a patent issues. Consequently, where an application for patent is still pending in the Patent Office, the invention may be infringed with impunity, as damages date from the actual issue date of the patent and not from the date of filing of the application in the

Patent Office. At present, there are more than eighty thousand patent applications pending in the sixty-five different divisions of the U. S. Patent Office. This means that in addition to the more than one million, eight hundred forty-six thousand patents already granted, there are a potential eighty thousand patents additional to be granted in the near future. These figures are stupendous and indicative of the constant stream of inventions being made available to the public. At present, the grant of patents in the United States at the rate of more than one thousand a week means that more than twenty patents are granted for each working hour of each working day of the year.

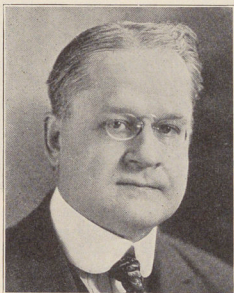
■ While it is true that all of these patents are not commercially successful and do not materially aid industrial progress, nevertheless it may be reasonably estimated that one-fifth of the patents granted are on really worthwhile inventions; one-third, it can be figured, of the patents granted obtain some commercial success; and of the remainder, some may be purposely withheld from the market and a great many others are used solely by the inventors, or their assignees, in a single plant and knowledge of their use does not pass beyond the confines of the plant. All patents granted can properly be regarded as stepping stones, since they must be imbued with novelty—otherwise they would not have arisen to the dignity of invention. Although one patent may not in itself be commercially successful, or any great advance in the particular art to which it appertains, nevertheless it may be the means of aiding another invention in attaining the desired goal. Notwithstanding this very great progress in our patent system in the United States, no one will contend that even in this time of our supposed perfection in science and industry, the millennium has been attained.

INTRODUCING OUR DEANS AND PROFESSORS

E. R. Branson

Dean of the Chicago Law School

■ E. R. Branson, an honorary member of Webster Chapter and a member of



the Chicago Alumni Chapter, was born at Petersburg, Illinois. He was educated at Illinois College, Jacksonville, Illinois, and the University of Chicago. He studied law in the office of his father, N. W. Branson (who, during the latter years of his life was a member of the Illinois State Board of Law Examiners and whose death occurred in 1907), and later at Northwestern University law school. Admitted to the bar in 1908, he practiced in his home town and then at Springfield, Illinois. During his residence at Springfield he was for a time a brief writer in the office of Attorney General Stead. Subsequently, Brother Branson removed to Chicago.

■ He is a member of the law department of the National Life Insurance Company of the United States of America, Chicago, and of the editorial staff

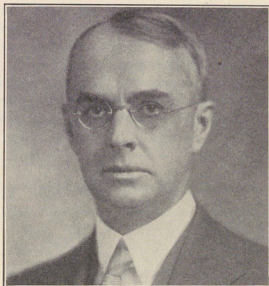
of The National Corporation Reporter, a journal devoted to law, corporations, commerce and finance, published at 123 West Madison Street, Chicago. He is the author of Branson's Illinois Forms and Branson's Instructions to Juries, works for practitioners published by the Bobbs-Merrill Company of Indianapolis.

■ Brother Branson has been identified with the faculty of the Chicago Law School almost continuous since 1917. He has the degrees of Master of Laws and Doctor of Jurisprudence. He is at the present time dean of the Chicago Law School.

Hector G. Spaulding

Professor of Law, George Washington University.

■ Hector Galloway Spaulding was born at Fargo, North Dakota in 1879. An only child, he was taken to Germany at



the age of four and two years later to Paris where his father practised dentis-

try. His early schooling was in the Ecole Monge and the Lycee Janson de Saily. In 1894 his family returned to the United States and lived in Minneapolis where he finished his primary schooling. He then entered the University of Minnesota, where he received his B. S. degree.

Next, he attended Harvard Law School, obtaining the degree of LL.B. "cum laude". He began to practise law in New York City, then in Minneapolis and finally in Chicago. In 1914 he was invited to teach law at Stanford University during the leave of absence of Professor Hohfield. After a year at Stanford, he ventured into other fields until 1920. That year, he was engaged to teach at George Washington University, where he is now acting Dean of the Law School. In 1924, he obtained the S. J. D. degree at Harvard.

■ In 1922, Mr. Spaulding was married to Augusta de Laguna of Oakland, California. Mrs. Spaulding has since then completed a law course at George Washington University and has become a member of the District of Columbia Bar. They have one son.

Mr. Spaulding's principal subject in law instruction is Equity and its various specialized branches, such as Partnership, Labor Law and Suretyship. He has also taught International Law, Contracts, Bills and Notes and Property, both Real and Personal.

He is a member of the Harvard and Cosmos Club, several Masonic bodies, the Acacia Fraternity and Phi Alpha Delta.

Albert J. Harno

Dean of University of Illinois Law School

■ Brother Albert J. Harno, Dean of the Law School of the University of Illinois, was born in South Dakota on January 30, 1899. He attended grade school in South Dakota, and was graduated from the Dakota Wesleyan Univer-

sity in 1911. In 1927 he was granted the honorary degree of LL.D. from that school. In 1914 he was graduated from the Yale Law School with the degree of LL.B., magna cum laude.



■ He was admitted to the practice of law in California in 1914 and practiced in Los Angeles for a period of three years. He married Maud Wendelken in 1916. The marriage was blessed with two children, Maud Michalie and Albert James, Junior. In 1917, Brother Harno became Dean of the Washburn Law School at Topeka, Kansas. He resigned in 1919 and became a professor of law at the University of Kansas. In 1921 he was made Professor of Law at the University of Illinois and became Dean of that law school in 1922, which position he has held since that time. In 1931 he was given the additional honor of Provost of the University of Illinois.

In 1927, Brother Harno was engaged to study the problem of paroles for the State Division of Pardons and Paroles of Illinois. He is a director of the Illinois Association for Criminal Justice, and a member of the Survey Committee. He is author of "The Place of the Supreme Court in the Administration of Justice," published in the

Illinois Crime Survey, and co-author of "Parole and the Indeterminate Sentence."

■ Brother Harno is a member of the American Bar Association and the Illinois Bar Association. He is Chairman of the Committee on Uniform State Laws of the Illinois State Bar Association, and Chairman of the Medico-Legal Committee of the Section on Criminal Law and Criminology of the American Bar Association. He is also a member of the American Law Institute.

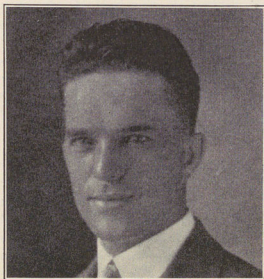
He is affiliated with the following fraternal organizations: Phi Alpha Delta, Phi Kappa Tau, Alpha Alpha Alpha, Delta Sigma Rho, The University Club, and the Rotary Club.

■ The members of the Fraternity are justly proud of Brother Harno's association and interest in the Fraternity.

Floyd Asher Wright

Professor of Law, University of Oklahoma

■ The nature of his work makes little difference to Floyd Wright after trying his hand as farmer, grade-school teacher,



high school teacher, football coach, military flyer, life insurance manager,

newspaper advertising manager, lawyer, legal writer, law professor, and architect, to say nothing of such minor activities as debating, athletics, etc.

Brother Floyd Asher Wright was born October 15, 1892, at Corry, Pennsylvania; and he spent the early part of his life on a farm in Northwestern Pennsylvania. After graduating from the Spartansburg (Pa.) high school at the head of his class, he taught one year in the public schools of that county.

After this he continued his studies at the Pennsylvania State Teachers' College at Edinboro, graduating from that school in 1915. To check up on what Horace Greely had been saying, he decided to go west. He taught science and coached football the following two years in the Council Grove, Kansas, high school.

■ In the summer of 1917 he enlisted in the U. S. Air Service as a pilot. In June, 1918, he "cracked up" and was forced to remain in the hospital until after the close of the war. Then returning to civilian life, he married Miss Lenore Thompson of Kansas City. While looking around for something to do he was offered a position with a New York life insurance company. He accepted this position and soon was advanced to district manager. But after two years he grew tired of traveling about and resigned that position, accepting a job on a newspaper advertising staff. At the end of a year and a half he found himself advertising manager of a daily newspaper in central Kansas.

■ Advertising lost its appeal so Brother Wright soon decided to foresake that line of work and return to the work of his choice—education. He filled out a year as superintendent of schools, and then entered the University of Kansas to further prepare himself in his favorite field. He received an A.B. degree and also a degree of bachelor of laws

at that school, being admitted to the Kansas Bar in 1925.

Having made an enviable record in his law studies at Kansas, Yale University granted him a scholarship leading to a doctor's degree in law. He took up his work at Yale Law School, but also taught law two years in the School of Commerce, Oklahoma A. & M. College, while completing his work for the advanced degree at Yale. He received his J.S. degree from Yale in 1927.

■ He then accepted a professorship in the Mercer University Law School. After two years there he transferred to a like position in the University of Oklahoma, School of Law, the position which he still holds. He says he has settled down now—in fact, to prove it, he built a very nice home there a year ago last summer; he drawing up all the plans and doing all of the architectural work on it.

He has three children, a daughter, age twelve, and husky twin boys, age ten.

■ Articles written by Brother Wright have appeared from time to time in the leading legal periodicals of the country. He is now working on a book on Legal Ethics and one on the Law of Intangibles.

Professor Wright has been a loyal member to Phi Alpha Delta and it is largely through his cooperation with Scott Squyres, President of the Oklahoma City Alumni Chapter, that Harlan Chapter has been entirely reorganized and now occupies a stronger position on the campus of Oklahoma University than it has for many years.

Besides being a member of Green Chapter, Phi Alpha Delta, he is a member of the Order of Coif (honorary law), Alpha Sigma Phi (social), Delta Sigma Rho (honorary debating), Alpha Kappa Psi (commerce) fraternities. He is also a football letter man.

Harry K. Allen

Dean of the Washburn College School of Law

■ Harry K. Allen, Dean of the Washburn College School of Law, is one of the most active and loyal members in the Fraternity. He was born in Daviess



County, Missouri in 1874. He is a graduate of the Gallatin, Missouri High School and the Washington University School of Law. He served as prosecuting attorney for Daviess County, Missouri and for four years was State Senator for the State of Oklahoma.

He was part time teacher in the Washburn College School of Law from 1918 to 1922, during which time his legal practice was devoted largely in specializing in real property questions. In 1922 he was made Dean of the Washburn College School of Law and has continued in that capacity up to the present time.

■ During his administration in the Law School the standard acquirements for entrants have advanced from a high school education to two years pre-legal work, and in September, 1932, there will be a requirement of three years pre-legal work. The law school enrollment has reached the point where it has become necessary to limit the number of students enrolled.

■ Dean Allen is a member of the Fortnightly, the Jayhawk Club, the Inter-Professional Institute and the Rotary Club. Dean Allen specializes in the teaching of real property, especially future interests. His chief diversion consists of the reading of history and poetry. He is an interesting conversationalist and a personal friend and adviser to all the students in the law school.

Edwin F. Albertsworth

Professor of Law, Northwestern University Law School

■ Edwin F. Albertsworth received his preparatory college work at George Washington University, from which he received the degree of Ph.D. in 1918. His legal education was taken at Harvard Law School, where he received the degree of Doctor of Juridical Science in 1921.



He began his law career in 1921 as Dean of the Law School, State University of Wyoming. While there he laid the foundation for securing the admission of the school into the American Asso. of Univ. Law Schools. He became professor of law at Western Reserve University in 1922 and remained there for two years. In 1924 he came to Northwestern.

■ Prof. Albertsworth's specialty is Industrial and Constitutional Law. In 1928 he published "Cases on Industrial Law", a book used in many leading schools. In process of completion at present is another book, "Cases on Constitutional Government", dealing with the structure, function, and jurisdiction of federal government, local, and state. He has been a prolific writer for various law journals, including the Harvard Law Review, Illinois Law Review, American Bar Association Journal, California Law Review, and others.

He has been active in the work of the local, state and national Bar Associations. His honorary and fraternal affiliations include Phi Alpha Delta Law Fraternity, Order of the Coif, University Club of Chicago, and the Law Club of Chicago.

■ Needless to say, Fuller Chapter feels itself fortunate to have as its faculty adviser Prof. Albertsworth. He attends the meetings and dinners of the chapter regularly and at all times manifests an active interest in the affairs of the fraternity.

J. A. McClain, Jr.

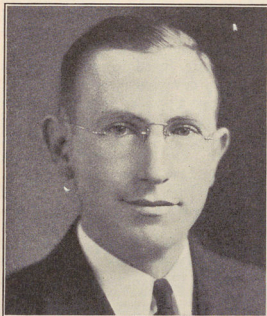
Dean of Mercer University Law School

■ Joseph A. McClain, Jr., was born at Ringgold, Georgia, in 1903. In 1927, when only 24 years of age, he was appointed Dean of the Law School at Mercer University.

Dean McClain received his A.B. and LL.B. degrees at Mercer University in 1924 and 1925. He was first honor graduate in law and second in literary. He received his J.S.D. degree from Yale University in 1929.

During 1925 and 26 he practiced law with Slade and Swift in Columbus, Georgia. Late in 1926 he was appointed Professor of Law at Mercer and in 1927, despite his youth, was selected for the position of dean.

■ McClain has contributed many articles to the Pennsylvania Law Review and the Minnesota Law Review. He is a



member of the American Bar Association and the Georgia Bar Association. His fraternal affiliations are Phi Alpha Delta and Pi Kappa Phi. He also holds a scholarship in the Mercer University Honor Society.

■ A noted instructor, he has taught Bailment and Carriers, Criminal Law, Bills and Notes, Evidence, Insurance, Municipal Corporations, Air Law, School Law, Legal Analysis and Terminology, Wills, Quasi Contracts and Taxation. He is now teaching Equity, Trusts, Jurisprudence, Personal Property and Actions.

A. M. Thompson

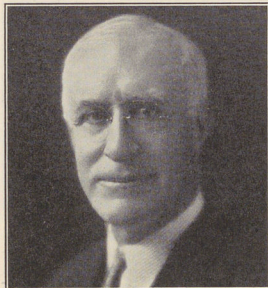
Dean of University of Pittsburgh Law School

■ Alexander Marshall Thompson was born at Canandaigua, New York, on September 27, 1872, in the Manse of the First Presbyterian Church. He was prepared for college in the public schools and Central High School, St. Paul, Minnesota, and entered Princeton Uni-

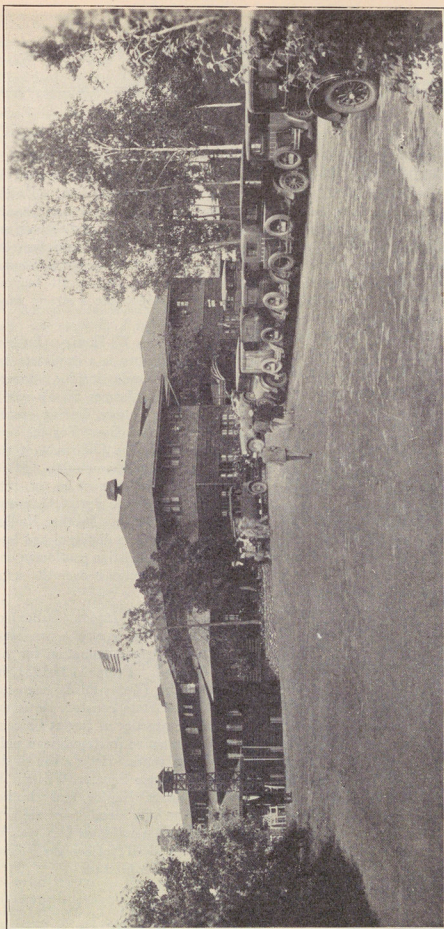
versity in the fall of 1889. He graduated in June, 1893, with the degree of Bachelor of Arts. After graduating from college he spent one year as a teacher in the High School of Beaver Falls, Pennsylvania. He then began the study of law at Pittsburgh, and was admitted to the Bar of Allegheny County, Pennsylvania, in March, 1897. Thereafter he was admitted to the Appellate Courts of Pennsylvania and the Federal Courts including the Supreme Court of the United States.

■ He engaged in the general practice of law in Pittsburgh, first individually and then successively as a member of the firm of Gray, Thompson & Rose and Thompson, Rose, Bechman & Dunn. In the course of his law practice he was Solicitor at different times for a number of municipalities and twice a member of the Law Department of the City of Pittsburgh, the last time being First Assistant City Solicitor.

■ The Law School of the University of Pittsburgh was founded in 1895. A



few years thereafter he became connected with the Law School as an instructor and as its Secretary and in the year 1920 became its Dean, which position he still holds.



BREEZY POINT LODGE, MINNESOTA
where 23RD BIENNIAL CONVENTION of PHI ALPHA DELTA
LAW FRATERNITY will be held

OUR POLITICAL MIRROR

By BROTHER JOHN R. SNIVELY

■ Brother Burnett M. Chipfield (Magruder) of Canton, Illinois, is a candidate for the Republican nomination for Representative in Congress from the Fifteenth District at the primary election which will be held on the 12th of April. He has no opposition in the primary. It will be recalled that Brother Chipfield made a vigorous defense of the President of the United States at the time that Congressman Louis T. McFadden made his attack on the foreign policies of the President. He is an able orator and one of the most outstanding lawyers in central Illinois.

* * *

■ Brother William P. Holaday (Magruder) of Danville, Illinois, is a candidate for renomination on the Republican ticket as Representative in Congress from the Eighteenth District. He is serving his fifth term.

* * *

■ Among the other members of the Fraternity who are members of the House of Representatives of the Congress of the United States and who are expected to be candidates for renomination are the following:

Republicans—Olger B. Burtress (Corliss) of Grand Forks, North Dakota; William P. Lambertson (Marshall) of Fairview, Kansas; John E. Nelson (Hamlin) of Bangor, Maine; Donald F. Snow (Hamlin) of Bangor, Maine; and Albert E. Carter (Temple) of Oakland, California.

Democrats—Andrew J. Montague (Jefferson) of Richmond, Virginia; Virgil Chapman (Clay) of Paris, Kentucky; and Fletcher B. Swank (Harlan) of Norman, Oklahoma.

■ Brother Scott W. Lucas (Capen) of Havana, Illinois, is a candidate for the Democratic nomination for United States Senator. He is a former Department Commander of the American Legion of Illinois and served for several years as National Judge Advocate. He is well known among all Legionnaires and should make a strong race.

* * *

■ Brother Charles W. Hadley (Fuller) of Wheaton, Illinois, is a candidate for the Republican nomination for Attorney General. He is a former State's Attorney of DuPage County, having served four terms in that office. For the past several years he was Chairman of the Illinois Commerce Commission. However, he resigned this post on the 15th of January in order to devote his entire time to his candidacy. Brother Hadley is a forceful orator, a distinguished lawyer, a thorough Christian gentleman and has a wide acquaintance over the state.

* * *

■ Brother Lowell B. Mason (Fuller) of Oak Park, Illinois, is also a candidate for the Republican nomination for Attorney General. From 1923-1931 he represented the Twenty-third Senatorial District in the State Senate. He is engaged in the practice of law at Chicago and has been active in Republican politics for many years. He is a son of the late United States Senator William E. Mason. Brother Hadley and Brother Mason are the only members of the Fraternity who are candidates for state offices and we shall follow their campaigns with much interest.

* * *

■ Brother Clarence T. Smith (Magruder) of Flora, Illinois, is a candi-

date for renomination as State's Attorney of Clay County on Republican ticket. He was elected Second Vice President of the Illinois States Attorneys Association at the annual meeting which was held at the Palmer House at Chicago on December 28 and 29, 1931.

* * *

■ Brother John H. Lyle (Webster) of Chicago, Illinois, is a candidate for the Republican nomination for State's Attorney of Cook County. He has served several terms as Associate Judge of the Municipal Court of Chicago.

* * *

■ Among the members of the Fraternity who are candidates for the Republican nomination for Associate Judge of the Municipal Court of Chicago are: Harry F. Hamlin (Campbell); Edgar B. Elder (Story); James H. Turner (Marshall); Joseph L. McCarthy (Blackstone); Leo P. Quinn (Story); Robert P. Rollo (Magruder); Thomas J. Finnegan (Blackstone); and Elmer M. Walsh (Blackstone). Brother Hamlin and Brother McCarthy are former Judges of the Court. Brother Elder is an Assistant State's Attorney.

* * *

■ Brother James F. Fardy (Blackstone) of Chicago, Illinois, is a candidate for renomination as Associate Judge of the Municipal Court on the Democratic ticket. Brother Edward J. McGinnis (Webster) is also a candidate for the Democratic nomination as Associate Judge.

* * *

■ Brother Carl Solomonson (Fuller) of Rockford, Illinois, is a candidate for the Republican nomination for Representative in the General Assembly for the Tenth Senatorial District. He was a candidate for Probate Judge of Winnebago County two years ago and made an excellent race. He has been assured of strong support in this campaign.

■ Brother Carl A. Swenson (Magruder) of Rockford, Illinois, is a candidate for the Democratic nomination for State's Attorney of Winnebago County. He is unopposed.

* * *

■ Brother Stanley H. Guyer (Ryan) of Rockford, Illinois, is Chairman of the "Malone for Governor" organization in Winnebago County.

* * *

■ Brother David E. Shanahan (Webster) of Chicago, Illinois, who is Speaker of the House of Representatives of the General Assembly of the State of Illinois, is a candidate for renomination as Representative of the Ninth Senatorial District on the Republican ticket.

* * *

■ Brother Karl J. Mohr (Campbell) of Rockford, Illinois, is a candidate for the Republican nomination for State's Attorney of Winnebago County. Brother Clifford A. Pedderson (Campbell) is also a candidate for this office. There are four other candidates.

* * *

■ Brother Fred J. Kullberg (Fuller) of Rockford, Illinois, is a candidate for Justice of the Peace of Rockford Township at the election which will be held on the 5th of April. He is engaged in the general practice of law with offices at 1029 Broadway.

* * *

■ Brother Franklin U. Stransky (Campbell) of Savanna, Illinois, is a candidate for the Republican nomination for State's Attorney of Carroll County. His father, Franklin J. Stransky, is a former State's Attorney of Carroll County and also a former Circuit Judge.

* * *

■ Brother Earl H. Hatcher (Benson) has recently been appointed Referee in Bankruptcy for the Second Division of Kansas. He will maintain an office for private practice in the Central Building at Topeka.

Supreme Secretary's Page

By FRANK M. LUDWICK

I am all pepped up today. Just got home from attending a joint initiation and banquet in San Francisco in which Holmes, Temple and Field Chapters joined. I wonder if those Chapters appreciate what an advantage it is to have the three Chapters located so close together and be able to conveniently join in affairs of this sort. I wonder if other chapters located close together ever do things like this.

This trip has convinced me that a chapter visitation does an inspecting officer more good than anyone else. He gets so many new ideas and enthusiasms that it keeps him working nights for a long time to get everything done that he thinks of to do.

But I do wish some good, talented Phi Alpha Delta would come along with some suggested changes to the Ritual. Most of it is fine but I think that there is too much of it and that parts of it are fearfully cumbersome. Here is a chance for someone to make a name for himself.

Don't think I ever attended a more delightful dinner in my life. With one exception the speeches fairly sparkled with brilliance and wit. What a treat it was!

Ross Chapter is planning an initiation in two weeks to be followed by a big dinner in which the Los Angeles Alumni Chapter will join in honor of our energetic and prolific Supreme Justice who is prying himself away from the Windy City to enjoy for the first time of his life the wind of the Pacific Coast.

District Justice Paul Parsons in addition to inspecting some of the Chapters in his district is inspecting a petitioning group at Cumberland University and Brother "Jimmie" Dunn is inspecting Fletcher and Brewer and a petitioning group at Miami University this week. Lots of Chapters are reporting initiations this month, and if all of them are getting the same sort of men that the ones I have visited are initiating, Phi Alpha Delta has nothing to fear from the future.

Harlan Chapter has been revived and nineteen of the best men in the law school were initiated last Sunday. Brothers Floyd Wright and Scott Squyres deserve much of the credit for this.

If I didn't have to stop to go to press with this issue of the Reporter I could write pages and pages of good news about the Fraternity, but this is enough to show you that things are moving along.

ACTIVE CHAPTER NEWS

BENSON

■ Benson Chapter maintained its high scholastic standing at the first semester examinations, fourteen brothers earning the honor roll and several high honors for the past term.

On January 10th, Benson Chapter held honorary initiation services for Ralph T. O'Neil, Past National Commander of the American Legion. Founders Day banquet was held on February 26th with Judge James A. McClure acting as toastmaster.

* * *

BREWER

■ Brewer Chapter held a smoker on February 2nd in honor of the five new pledges, who received the pledge pins that night. Short speeches were given by the officers of the chapter. Plans are going forward very rapidly for the initiation of another group of pledges.

Members of Brewer Chapter were very proud of Brother Charles Luckie of last year's graduating class when his article on "Corporations" appeared in the Florida Bar Association Journal.

Stetson University Law School is fortunate in having on its faculty Brother Lewis H. Tribble, Dean of the Law School, and Brother M. S. McGregor, both being alumni of Brewer Chapter and very active in the furtherance of the work of the chapter.

* * *

CALHOUN

■ The last regular chapter meeting before term examinations was held on January 13th, at which time new officers were elected and duly installed. Brother Russell H. Atwater became the new Justice, succeeding Brother Robert C. Sullivan; the other officers are Joseph R. Regnier, Treasurer; William N. Stokes, Vice-Justice; Arthur B. Sulli-

van, Clerk, and Edward N. Lippincott, Marshal. After that time regular meetings were postponed until after the mid-year examination period, which ended February 10th.

Though hardly in the category of news, it may be of interest to other chapters to hear of the moot court activities being carried on by Calhoun. The court is a mock trial court, suggested and organized by brothers interested in the practicalities of evidence and trial procedure, and is managed by a moot court committee appointed last fall by Brother Justice Sullivan. In December the first case was tried before Brother Dan Morgan, now a practicing attorney in New Haven, in the court room of the new Sterling Law Buildings, which was filled with spectators. It was a libel and slander suit based on the motion picture "The Platinum Blonde," various brothers taking the parts of witnesses after having seen the picture. The trial resulted in a plaintiff's verdict for nominal damages. It is hoped that another case may be prepared and heard in the near future.

A number of members are now engaged in work for the local Legal Aid organization, and steps are being taken by the chapter as a whole toward making such experience more available to all brothers who are interested.

* * *

CAMPBELL

■ Campbell Chapter has, during the present school year, conducted two initiations, one in October and one in November, at which times eight men were initiated. A third initiation is contemplated shortly. It is the policy of the chapter to initiate several times during the year, so the new men, as soon as may be, can participate in the

privileges and activities of the active chapter.

The chapter has gone on record as approving the appointment of Mr. Justice-elect Cardozo and take this opportunity to make known its congratulations.

* * *

CLAY

■ Henry Clay chapter has been honored by the election of Brother Bert Howard, Justice of the chapter, to the staff of the Kentucky Law Journal. This is one of the highest honors awarded in the law college and Clay chapter now has several members on the staff.

The law school has given one of their offices to the chapter as a club room with the Phi Alpha Delta insignia on its door. Members of the chapter find the new quarters very useful.

The chapter held a dinner dance at La Fayette Hotel in December and are now planning a smoker for the entire law school.

* * *

COLE

■ Affairs at Cole Chapter have continued to go along in a quite pleasing manner. The year's program of activities was closely adhered to. Weekly meeting with guest speakers proved most valuable, with brothers and pledges looking forward with interest to that part of the evening. The speakers seem well pleased with their audience as they frequently suggest that they be allowed to visit again and interpret some phases of practical law.

Pursuant of the suggestion of the Fraternity Bulletin, Cole Chapter moved up the date of the election of the chapter officers. Installation ceremonies took place on March 2nd with the retiring officers presenting the customary cigars. Much discussion was given to the new "depression type of cigar".

The new officers are: John Schulte, Justice, and incidently, the law school's representative on the student council; Quinn Hornaday, Vice Justice; "Duke"

Butler, Clerk; "Slick" Larson, Treasurer; and Howard Steel, Marshall. The last named brother has a consistant scholastic average of "A".

Full ritualistic installation of new members is scheduled for March 23rd.

* * *

FIELD

■ Field Chapter has 23 members including 8 that were recently initiated. No men with an average below "C" are accepted by the chapter. The February initiation was held at the Federal Court House in San Francisco in a triangular ceremony in which Temple and Holmes Chapters participated. Judge Murphey of the Superior Court of Alameda County was made an honorary member of Phi Alpha Delta at this meeting. The eight men initiated are Brothers James Meredith Wortz, Edward H. Moore, William H. Brailsford, Jr., John Lloyd Larue, Richard Seely, John Augustus Bohn, Benjamin M. Sherman and Ellis Richard Randall.

Prior to the initiation ceremonies, pledging ceremonies were held at the home of Brother Ellis Randall in Piedmont.

Brother Elwood Murphey continues to represent Field Chapter on the Law Review and Brother William Wollitz is in his second term as Student Body President of Boalt Hall.

The regular Thursday luncheon meetings are always well attended. At the meeting of February 19th, Augustin Donovan, head of the Alameda County Bar Association addressed the student body assembled at Boalt Hall. The arrangements were made by Brother Wollitz and a large turn out was obtained, and the speech was an outstanding success.

* * *

FISH

■ Fish Chapter reports that its seven members are the leaders of the Law School and are active in their class politics.

FLETCHER

■ The Duncan U. Fletcher chapter continued to hold its high scholastic standing through the last semester. Brothers Livingston and Weed, justice and clerk of the chapter, were among the mid-year graduates in February.

Brother Larson was elected justice and Brother Rogers, clerk, for the ensuing year. Brother Larson has been a member of the Florida House of Representatives for the past two terms and in June will run for the Senate.

* * *

GUNTER

■ Activities of Gunter Chapter at the University of Colorado during the past month have been chiefly connected with the establishment of The University of Colorado Bar Association, a new form of student government here. With Brother Fred J. North, as president of the Combined Laws, the antecedent student government, and Justice Charles R. Corlett as a member of the Constitutional Committee, the influence of Phi Alpha Delta in this project has been quite significant.

A new Constitution, adopted by a vote of the Law School student body, establishes an Executive Council as the governing body, with certain of its powers delegated to nine principal committees. The 'Bar Association' is so conducted that every student serves on one committee and thus plays an active part in the working of the government.

When the ballots were counted after the establishment of the new Bar Association, Gunter chapter found two of its members holding major offices—Justice Corlett as vice-president and Robert La Grange as treasurer.

Brother Albert B. Logan has been named chairman of the Entertainment Committee and is busy making plans for the annual Law School Dance, the one big social function of law students here. The dance will be carried out in the style of a cabaret party, with dancing between courses of the dinner.

Phi Alpha Delta had Prof. Fred D. Bramhall as its speaker at a dinner given January 21st. His subject was "The Constitution of Colorado." Prof. (Brother) William R. Arthur entertained several non-fraternity law students as his guests at this dinner.

Plans are now being made by Justice Corlett for another dinner of this kind. The activity of Phi Alpha Delta in this field has been somewhat limited by the policy of the new student government, which is conducting an extensive program of such dinners.

The scholastic average of Gunter Chapter for Fall Quarter was 79.67.

■ Mid-year graduation deprived the University of Colorado School of Law of one of its most valuable and beloved leaders—Fred J. North, 'grand old

man of the Law School,' who left with the respect and friendship of every student in the school. As president of the Combined Laws, Brother North served the best interests of his fellow students in a manner that won him much well deserved praise. Affectionately known as 'Baldy,' he was the friend of every student and faculty member, and his genial personality dominated every significant social and business activity of the Law School during the past two years.

Chiefly through his tireless efforts, the University of Colorado Bar Association was nurtured and brought into existence just at the time of his graduation. This new style of student government is receiving the same whole-hearted support that every one of the many projects of this man was invariably greeted with.

Brother North is an initiate of the University of Southern California chapter of Phi Alpha Delta, and affiliated



GUNTER CHAPTER



Top Row (left to right): Chas. F. Keen, Fred Mack, Herman Lennartz; Middle Row: James Erwin, Frank Lynch, Robert La Grange, E. L. Fundingsland; Front Row: Raymond Coffman, Harold E. Zimmer, Chas. R. Corlett, Albert B. Logan, Neil Putnam, Clark Gore.

with the Colorado chapter when he entered school here, and since that time has been a forceful leader in all of the undertakings of Gunter Chapter.

It is quite generally conceded that Fred North numbers his friends by the hundreds, having a wider acquaintance than almost any other man in this state. He is now located in Rocky Ford, Colo., where he expects to engage in the practice of law in a well-known firm there.

■ Largely responsible for the revived activity of Gunter chapter is Justice Charles R. Corlett, who has guided Phi Alpha Delta into many new fields of endeavor. He is largely responsible for the establishment of the Phi Alpha Delta House here, the only professional fraternity house on the University campus. Brother Corlett has been elected vice-president of the newly-organized University of Colorado Bar Association, and his conscientious efforts have contributed much to the success of this enterprise.



He has taken a position of distinction in many campus affairs since he entered the University and has been an outstanding member of his social fraternity, Alpha Tau Omega.

As head of Gunter chapter, Brother Corlett has pursued a policy of strict adherence to professional activities, to the extent of minimizing social and non-legal functions. The result has been a lessened expense to the individual members and an increased benefit from the activities which are connected directly with the profession of the law.

Brother Corlett expects to enter the practice with his father, eminent attorney and political leader of Monte

Vista, Colorado. Brother Corlett will graduate in June.

■ One of the most active of the members of Gunter Chapter at the University of Colorado is Albert B. Logan, who now serves Phi Alpha Delta in the capacity of Clerk of this chapter. Brother Logan occupies one of the most important positions under the new form of student government in the School of Laws as chairman of the Entertainment Committee. This committee is now arranging a University of Colorado Bar Association dinner and for the annual Law School Dance, the plans of which are known to be a decided departure from the type of party of the past with the introduction of a more informal cabaret style dinner dance.



In addition to his activities in the Law School, Brother Logan is listed in the following campus activities during the past several years: president of Sigma Delta Chi (journalistic), news editor of the University paper, Sumalia (junior honorary), Scimitar (sophomore honorary), Boosters Club, Interfraternity Council, Order of the Scroll. He is retiring president of his social fraternity, Alpha Tau Omega.

Brother Logan expects to graduate in June. He indicates that his plans for the immediate future seem to depend chiefly upon the conclusion of the depression.

* * *

HAMMOND

■ The Hammond Chapter is happy to report that with the first semester well over and grade reports in the hands of each member, there are no casualties to announce. All of the potential Phi Alpha Delta men in the freshman class

came through with flying colors, putting many of the intellectual upper classmen to shame. Each one of the pledges received a grade considerably higher than the average of the freshman class. If this is an indicator the Hammond Chapter need not fear for its future scholastic standing. This showing will also make all of the pledges eligible for initiation into the fraternity at an early date.

Members of the senior class are now busy preparing cases for the trial practice court work. It is interesting to note that in all but one or two cases P.A.D. brethren have joined forces to outwit the opposition.

Among the alumni visiting the chapter recently are included Brothers McLaughlin, Eyre, Kline and Moody.

* * *

HAY

■ While all final results are not available as yet, the published grades indicate that Brother John H. Storrie will remain the leader of the Senior Class. Brother Joseph Teeney of the Second Year and Brothers Wayne Milburn and Charles E. Miley Jr., of the Freshman Year are among the men eligible for the Order of Coif.

Hay Chapter has shown keen interest in Intermural Basketball this year. While the team is not in "first, show or place" position, its strength is indicated by the many close games lost by a small margin.

Active members and representatives of the alumni chapter were entertained by Brother Justice Andrew Pangrace at his home last month. This gathering marked the beginning of the second semester's Social Activities to be held once a month for the balance of the school year.

During the Christmas holidays the chapter moved into new quarters at 2102 Adelbert Road, diagonally across the street from the Law School.

JAY

■ A series of monthly informal dinners features the activities of Jay Chapter at the George Washington University this school year. The dinners are held at the Powhatan Hotel and are not exclusively gastronomical. When the desert dishes are cleared away an intellectual feast follows.

The first dinner was held in December with Dean William Cabell Van Vleck as the principal speaker. He gave a comprehensive report of the progress being made by the American Law Institute in the work of Restatement. Dean Van Vleck is an associate in the Conflict of Laws section.

Professor Levi R. Alden, an authority on the subject, discussed Admiralty at the January meeting. Brother "Jim" Gullet, (Illinois), a member of the active chapter, presented a brief biography of John Jay, whose name the chapter proudly bears.

"Waiver of the Criminal Jury" was the thought provoking theme of the address by Professor S. C. Oppenheim, also of the law school faculty on the occasion of the February dinner. Brother Harold Huffer, alumnus, eloquently eulogized the newest Justice of the United States Supreme Court, Benjamin N. Cardozo.

It is planned to make the March affair one of especial significance to the chapter in that initiation will be held at this time, and the annual election of officers. Some nine neophytes are awaiting the call to join the caravan. It is hoped that Brother Clyde B. Aitchison, Interstate Commerce Commission, will be speaker at the initiation dinner.

Not neglecting the purely social graces, a chapter dance was held at the Bannockburn Country Club, Saturday night, February 27th.

Officers who will retire next month are: Bob Stearns (Iowa), Justice; Joe Baldwin (Michigan), Vice-Justice; John Cunningham (Iowa), Clerk; Frank Pisarra (New York), Treasurer; Hal

Stull (Pennsylvania), Marshal; Al Perry (Florida), Historian.

Brothers A. B. Caldwell (Arkansas), Martin Garber (Oklahoma), and Joe Baldwin were among the graduates who received their LL.B. degrees from the university at its midwinter convocation held February 22nd. It was a particularly colorful event, being a part of the Washington Bicentennial.

* * *

KEENER

■ Keener Chapter enters a claim for distinction this year for Brother H. M. Quillan, Jr., professor of Contracts in the Lamar School of Law. Quillan has charge of the Restatement of the Law of Contracts Annotations for the Georgia bar. He is also one of the most beloved members of the faculty and has shown great interest in the work of Phi Alpha Delta.

This chapter is not kicking about the depression. Keener gave a "Weiner roast and Possum hunt" as soon as the frosh grades were turned in and pledged four of the best men in the Freshman class. Two of these men carried off first and second places for the first half of the year and the other two received very high grades also and stand high in the esteem of their faculty and classmates.

Keener is equally proud of her standing on the campus. Brother James C. Howard, former justice of the chapter, is vice-president of the Law School Student Body, a member of the "E" Club, and active in football, basketball and baseball. Brother Howard is also a member of the Georgia Board of Review of Recent Cases, a department of the "Georgia Lawyer" which is the official organ of the Georgia Bar Association, and is in the nature of a law review. This is one of the highest honors that can be obtained by a senior class man.

Brother W. G. Brown, the new justice who succeeds Brother Howard, took highest honors in the Junior Class. He is also president of his class this year

and in addition is a member of the Georgia Board of Review of Recent Cases, making Keener's representation in the Senior Class 100% on the board.

Of the three representatives from the law school to the Student Activities Council, which is the governing student board, two are well known members of Phi Alpha Delta.

Of especial interest to the alumni is the news that the chapter is meeting with the Atlanta Alumni Chapter at each meeting of that organization. The alumni chapter is presided over by Brother Justice Wright (Taft '11). One of these meetings was attended by District Justice Parsons of Montgomery, Alabama, who gave a most encouraging talk.

Keener Chapter extends an invitation to all members of Phi Alpha Delta to visit with them at any time.

* * *

KNOX

■ The members and pledges of Knox Chapter gathered in a good share of the high grades awarded in the University of Arizona Law School for the first semester of the 1931-32 school year. Brother Roland Ellis proved to be the outstanding first year man by winning the jeweled pin given to the initiate having the highest grades.

Members and pledges enjoyed a picnic on February 28th, at a secluded spot in the Tucson Mountains. To Brother Scully goes most of the credit for the success of this affair.

Following is the list of officers who will serve Knox Chapter for the second semester of the present school year: William Spaid, Justice; Stephen J. Spingard, Vice-Justice; John G. Anderson, Clerk; Lloyd B. Johnson, Treasurer; Eli Gorodezky, Historian; Elmer Coker, Marshal.

* * *

McKINLEY

■ McKinley Chapter reports six active members.

McREYNOLDS

■ McReynolds Chapter held its periodical smoker on January 23rd. Special guests were prospective pledges, among whom were some of the most outstanding Tennessee men.

The rushing season for the chapter comprises that period just posterior to the mid-year examination in the School of Law. The annual initiation will be held following the "probation" period for pledges.

A survey and inspection of the Phi Alpha Delta Law Directory show that Tennessee has had her quota of P.A.D. men in years gone by. It is interesting to note that a large majority of the Alumni of McReynolds Chapter are leading successful and patriotic careers.

One of the objectives of the active membership of McReynolds Chapter during the current year is to forge a closer bond between the Alumni and the active chapter. The climax of this movement will be reached at the annual banquet and ball to be sponsored by the chapter in the spring. Every Alumnus of McReynolds Chapter will be urged to attend and manifest his desire for greater unity in all the channels of endeavor in which Phi Alpha Delta is or may be vitally interested.

* * *

MARSHALL

■ Members of this chapter continue to maintain an enviable position in class room returns. Last year Phi Alpha Delta held four of the school political offices. This year marks the graduation of Brother William Engelhardt, retiring justice of the chapter and a potential Coif man.

The new initiates are exceptionally promising and the initiation party held on February 6th was a great success. Five new members were initiated. They were George MacMurray, Tom Davidson, Roland Mathies, Fred Merrifield, and Jack Brown. When the results of the fall examinations were announced it was discovered that new initiate Mac-

Murray led the entire Freshman Class. Fred Merrifield also captured exceptional class honors.

One of the guests of the last quarter was Supreme Justice Gilbert, who graced the banquet table and stirred the ambitions of the members of the chapter. It is considered noteworthy that members of the alumni request that they be informed of Marshall Chapter activities.

* * *

MITCHELL

■ The past two or three months have brought increased activity to the chapter, with nine new pledges. The weekly luncheon meetings continue to be well attended and the source of a spirit of good fellowship.

Brother Ernest H. Pett, Justice of the Northern District of P. A. D., inspected the Chapter on February 6th. The event marked a high point. In the morning the regular routine of inspection was covered to the great benefit and increased knowledge of the officers. At noon the active chapters and alumni joined in a luncheon at the Radisson Hotel of Minneapolis with Brother Pett as the guest of honor. With a fine group of alumni leaders present, it was definitely decided and planned that Phi Alpha Delta shall soon have a Minneapolis-St. Paul Alumni Chapter. The rest of the day was spent in pleasant social pursuits.

The Chapter and alumni dined formally March 4th in the Lowry Hotel of St. Paul and danced to the music of a nationally known orchestra.

Mitchell Chapter continues to grow in strength and spirit.

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MORGAN

■ Morgan Chapter steadily is gaining the ascendancy over the chapters of other law fraternities at the University of Alabama. Last year Morgan Chapter initiated a custom of a monthly dinner in a local hotel or cafe. The

plan has resulted most successfully and is being carried forward this year. At each such dinner one or more prominent jurists or lawyers are guests of honor. The Hon. J. Russell McElroy, a member of Phi Alpha Delta, and circuit judge of the Jefferson County Circuit Court, was principal speaker at the first dinner.

The mention of the ascendancy over other organizations is caused by the fact those others are making plans to emulate the example set by Morgan Chapter.

Pledges will be entertained at the dinner on the evening of February 29th. Morgan Chapter indeed has been fortunate in pledging this year. Pledges to date include Hugh Reed, C. E. Stewart, Evans Hinson, Robert Gahagan, Horace Dill, Al Smith, Jim Pugh, J. P. Miller, Ed Hammill, Rube Millsaps, and Marc Ray Clements.

Frank S. White, of Birmingham, is Justice this semester, while John Graham Hudson, of Pulaski, Va., is Treasurer, and Robert S. Glasgow, Jr., of Adamsville, Ala., is Clerk.

Brother John V. Masters, who has been absent from his professional post pursuing graduate work at Harvard, has returned this year. He was chosen, in addition to his other courses, to teach the new course in Legal Ethics. Brother Whitley P. McCoy is teaching Agency, Trial and Appellate Practice, Equity Pleading, and other technical courses.

* * *

RYAN

■ Ryan chapter and graduates held a Christmas Stag party at the French village on the night of December 17th, and the morning of December 18th. The chapter has 13 active members and 3 pledges.

The chapter, having given up its house, is considering locating in club rooms. It is planned to use the rooms for meetings, rushing, and for locating the library, to which Brother Evans has

graciously added a beautiful edition of Farmers' Cyc.

They have initiated most of last semester's pledges and are about to begin a few weeks of industrious though selective rushing, with a view of maintaining Ryan chapter's leadership in scholarship among Wisconsin's legal fraternities.

Brother Verhulst has been writing on the Wisconsin Law Review. He is also Secretary of the Wisconsin Law School Association.

Brother Steinmetz is starring on the Wisconsin basketball team.

Brother Motzell has been doing research on the problem of Search and Seizure, with particular reference to prohibition violations, for a legal firm in Beloit.

Brother Hill graduated in January and is now practicing in Baraboo. Brother Stone was elected his successor as clerk of the chapter. Brother Hill was duly honored by election to the Shovel.

Lloyd Garrison, New York Attorney, has been selected as Dean of the Law School. This place has been vacant since the death of Dean Richards three years ago.

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STORY

■ After twenty weeks of mental mazes and physical sufferings, George Desort, Frank J. Benedix, William J. Maher, John Hennessey and Thomas A. McGloon were taken into the ranks of Phi Alpha Delta by Story Chapter, Saturday, Feb. 20.

As Robert Mulaney, a Webster chapter pledge, was unable to attend his chapter's initiation the previous week, he was initiated with the Story chapter class.

Brother Emmet Byrne, former assistant state's attorney, of Chicago, was the principal speaker at the banquet held that evening. He portrayed a mixed texture of experience, and gave val-

uable suggestions on how a lawyer might succeed in life's tournament.

Other speakers were Hon. Harry C. Moran, Past Supreme Justice, George E. Fink, Henry Phoenix, and Webster Chapter's Justice, E. A. Hale. George L. Quilici was toastmaster.

Indorsing the fraternity's policy of cooperation between chapters and schools, Story chapter held a reception in honor of Dr. F. V. Corcoran, President of DePaul University, at the chapter house, Friday, December 18, at which the fraternity pledged full support to the school. The president's counsel was to aspire to eminence—to attain the pinnacle—by unswerving devotion to the common good.

In line with Dr. Corcoran's address, Hon. James P. Harrold, chairman of the fraternity's scholarship committee, spoke on Phi Alpha Delta's promotion of study. Hon. John M. O'Connor, of the Illinois Appellate Court, delivered a talk on fraternalism. Prof. James J. Cherry wielded the gavel.

Story Chapter bids all blues begone, as O. Henry would say, by monthly house dances. Forensics are fostered at bi-monthly meetings.

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SUTHERLAND

■ The outstanding student of the class of 1932 from the standpoint of scholastic average is Richard Johnson, chapter treasurer. His average is nearly straight A—something without a precedent at the University of Utah. He has also been nominated to Phi Kappa Phi, honorary scholastic fraternity.

The chapter is continuing the lecture series. The last two topics discussed were on the subject of the relation of the decisions of the United States Supreme Court to changing social conditions, by Honorable George P. Parker, attorney-general of Utah, and Professor Willis W. Ritter of the School of Law at the University of Utah.

Brother Arnold C. Roylance, 155 pound wrestler, is one of the mainstays

on the varsity team again this year. He has won every match in which he has participated during the past two years. In spite of his total loss of eyesight several years ago he has done good work in law and we expect him to become the conference champion this year in the 155 pound class.

* * *

TEMPLE

■ A joint initiation was held in the Court Room of Federal Judge Kerrigan on the afternoon of February 27, 1931, and was participated in by Temple, Field, and Holmes Chapters.

Among the initiates were two honorary neophytes, John L. McNab, distinguished attorney of San Francisco, the man who nominated President Hoover, and the Honorable Judge John D. Murphey of Alameda County.

After the impressive ceremony, a banquet was held in the evening at the Fairmont Hotel on Nob Hill. Sixty-five members were in attendance. Interesting short talks were made by John L. McNab, Judge John D. Murphey, Lionel Brown, Deputy Assistant Attorney General, David Snodgrass, professor at Hasting's College, Supreme Secretary Frank M. Ludwick, Justice Smith of Ross Chapter, Justice Wollitz of Field Chapter, Justice Kimball of Holmes Chapter, and Justice Price, of Temple Chapter.

On the evening of February 6, 1932, a banquet was held for the benefit of the pledges at the Colonial Inn in San Francisco. Twenty-five members were in attendance.

The following transfers have affiliated with Temple Chapter since the beginning of the year: Sam Cross of McReynolds Chapter, Henry Dietz of Field Chapter, and Ivan Tagert of Holmes Chapter.

Brothers Ivan Tagert, Kenneth McGilvray, and Jack Halley were among the six leading contenders for the Corpus Juris books given each year to

the highest student in the Legal Bibliography course.

Brother John Shortridge, son of Senator Samuel Shortridge, is the highest student in the second year.

Brother Francis McCarty was among those considered for the second year scholarship.

* * *

WEBSTER

■ There are now sixteen active members in Webster Chapter, four having been recently initiated at ceremonies held in the Great Northern Hotel in Chicago. The initiation was a great success followed by dinner. Particularly interesting speakers made this event one to be remembered by all the members concerned. A great deal of the success of the event was due to the effort of chapter justice Hale. Supreme Justice Gilbert attended the ceremonies and inspected the chapter.

Among the speakers at the banquet were Brother Allan T. Gilbert, Supreme Justice of Phi Alpha Delta, who was present at the initiation and spoke briefly upon the principles and ideals of the fraternity; Brother Harry Harmon, past Justice of Webster Chapter; Brother George Fink, past Supreme Justice; Brother Blaine B. Gernon, past Justice of Webster Chapter; Brother L. A. Mitchell, past Justice of Webster Chapter; Brother E. R. Branson, honorary member of Webster Chapter and Dean of the Chicago Law School; Brother Cecil Emory, past Vice Justice of Webster Chapter.

Others present were: Brothers William O'Shea and Wilbur A. Johnson, both past Justices of Webster Chapter and Brother T. J. Phillips, Justice of Story Chapter and several members of that chapter.

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WILSON

■ In January the following men were elected to the various offices in Woodrow Wilson Chapter: Vander Voort,

Justice; Harding, vice justice; Powers, treasurer; Hewitt, clerk; Burns, marshal.

Examinations over at Cornell, Woodrow Wilson Chapter has a record which is almost unprecedented. Not one member was dismissed because of poor grades and all acquitted themselves nobly. The pledges also did well, losing only one man. Graduation took away one of the chapter's most active members, Brother Mole. Brother Mole has been Justice for three successive terms and always had the best interests of the chapter at heart. He will still remain to a limited extent and continue to assist the chapter whenever possible.

The Law School held its annual dance on March 4th and Woodrow Wilson Chapter was well represented on the dance committee. The dance was a great success.

Students will move into the new Law School building about June 1st and will attend summer sessions there. This is the finest building on the campus and is a beautiful example of architecture. Law students were alarmed to hear a fire alarm for the new building recently but the fire department had the trouble under control in short order and no damage was done. This gave several students an opportunity to see the interior of the building for the first time as all students had been barred from visiting.

Brother Frank Rutledge, Supreme Vice-Justice, will attend the April initiations. The chapter will be glad to have him visit again as he is well liked by all the members of Woodrow Wilson Chapter.

It is reported that a popular member of Woodrow Wilson Chapter recently received instruction in law other than in the class room. This brother is now preparing a brief on the subject of shooting in the New York State parks, with suggestions volunteered by a state Justice of the Peace.

In Memoriam

Richmond Austin Rasco

■ Brother Richmond Austin Rasco, Dean of the School of Law, Miami University, Florida, died at his home in Coral Gables, Florida, November 16, 1931.



■ In his career Dean Rasco served as Principal of Chapel Institute, Thornsby, Alabama, 1898-1900; he was founder of the Thornsby Normal School, 1902; Superintendent of Schools, Jemison, Alabama, 1904-1908; Professor of Law, Stetson University, Florida, 1909-1913; Dean, College of Law, 1913-1921; Professor of Law, University of Miami, Florida, 1926-1927; Dean, School of Law, University of Miami, Florida, 1927, till the time of his death.

■ He was born at Newton, Mississippi,

July 5, 1871, son of James La Fayette and Mary Louise Wilson. He received his B. S. degree at Dickson Normal College, Tennessee, 1895; L.L.B., Southern Normal University, Huntington, Tenn., 1898; A. M., Arkansas Normal College, 1904; L.L.B., Stetson University, Florida, 1918.

■ Called to Miami in 1926, Dean Rasco organized the Law School of the University of Miami and during the following five years it developed under his able guidance into the second largest law school in the State of Florida, with a law library of over five thousand volumes. Dean Rasco had the God-given attributes of a natural teacher and instilled faith, confidence and love in the hearts and mind of the many lives he touched.

The 1931 Who's Who in America quotes Dean Rasco as Lawyer and Educator, an honorary member of the Brewer Chapter of Phi Alpha Delta. He was also a member of the Phi Kappa Delta, Pi Gamma Mu, Mason, Odd Fellow and Kiwanian. He was a Democrat in politics and Baptist in religious affiliation.

■ His widow survives him as well as four sons—Russell A., Attorney and Acting Dean, School of Law, University of Miami, Florida; Wendell F., Chemist, New York; Glenn O., Attorney, New Smyrna, Florida; Delphine D., Attorney, Los Angeles, California.

NEWS OF ALUMNI

By BROTHER JOHN R. SNIVELY

■ Brother Virgil Chapman (Clay) of Paris, Kentucky, is serving his third term in the House of Representatives of the Congress of the United States. He represents the Third Congressional District and is a member of the law firm of Franklin, Talbott & Chapman of Lexington. He graduated from the University of Kentucky in 1918 and married Miss Mary Adams Talbott of Paris two years later. They have a daughter aged ten.

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■ Brother John Y. Brown (Clay) of Lexington, Kentucky, is Speaker of the House of Representatives of the Commonwealth of Kentucky. He is an able orator and is well qualified to serve in this important post. Brother Brown was a delegate to the St. Louis convention and we are sure that every member that attended the convention will be indeed happy to learn of his advancement in public service.

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■ Brother James Park (Clay) of Lexington, Kentucky, is Commonwealth Attorney of Fayette County.

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■ Brother Paul C. Albritton (Brewer) of Sarasota, Florida, is Circuit Judge of Manatee County.

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■ Brother Walter T. McCarthy (Jay) of Clarendon, Virginia, is Judge of the Sixteenth Judicial Circuit of Virginia. He received his appointment at the age of thirty-two which was much younger than any judge had been for some years back. His appointment was an interim appointment by the Governor which recently expired, but he was re-appointed for a term of eight years.

■ Brother Frank W. Halliday (Hamlin), who is a Major in the Judge Advocate General's Department of the United States Army, is stationed at the United States Military Academy at West Point, New York. He was appointed Professor of Law, with the rank of Lieutenant Colonel, on August 30, 1929. The Department of Law at the Academy gives courses in Elementary Law, Constitutional Law, Criminal Law, Evidence and Military Law.

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■ Brother Ernest H. Burt (Calhoun), who is also a Major in the Judge Advocate General's Department of the United States Army, has been Judge Advocate of the Seventh Corps Area at Omaha, Nebraska, since the twenty-second of last June. He was detailed on his present assignment following his graduation from the Command and General Staff School at Fort Leavenworth, Kansas, on June 19, 1931. He serves as Legal Advisor to the Corps Area Commander, Major General Johnson Hagood.

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■ Brother Kenneth Wynne (Calhoun) of New Haven, Connecticut, is serving as Executive Secretary to Governor Wilbur L. Cross.

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■ Brother Carl F. Anderson (Calhoun) is Judge of the City Court of Middletown, Connecticut. His term expires on the first Monday of July, 1933.

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■ Brother Daniel M. Cronin (Calhoun) is Judge of the City and Police Court of New London, Connecticut. His term also expires next year.

■ Brother Russell A. Klieves (Jefferson) is engaged in the practice of law at Wheeling, West Virginia.

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■ Brother Roland M. Hollock (Fuller) has been stationed at The Presidio at San Francisco, California, since the ninth of last November. He is a Major in the Judge Advocate General's Department of the United States Army. Prior to his assignment to The Presidio, he was detailed at Tientsin, China. Brother Hollock was the first Chief Justice of this Fraternity.

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■ Brother Charles E. Carpenter (Magruder) is a member of the faculty of the School of Law of the University of Southern California at Los Angeles. He is giving the courses in Torts and Constitutional Law. Prior to going to Los Angeles, he had served for several years as Dean of the School of Law of the University of Oregon.

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■ Brother Albert J. Harno (Calhoun), who is Dean of the College of Law of the University of Illinois at Urbana, will give a course in Criminal Law at the summer session of the Northwestern University Law School. Brother Harno was elected President of the Association of American Law Schools at the annual meeting of the Association which was held at the Drake Hotel at Chicago on December 28, 29, and 30, 1931.

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■ Brother Lyman Chalkley (Clay) of Lexington, Kentucky, retired last year as a member of the faculty of the College of Law of the University of Kentucky. He had served twenty-one years.

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■ Brother David Sholtz (Calhoun) of Daytona Beach, Florida, is giving a seminar course in Problems in Corporations at the College of Law of John B. Stetson University at Deland.

Brother John J. Kindred (Brewer) is again giving his course in Medical Jurisprudence. He is a former member of Congress.

■ Brother Cary D. Landis (Brewer), formerly of Deland, Florida, and now of Tallahassee, is Attorney General of the State of Florida.

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■ Brother Jalmar O. Muus (Corliss) is a member of the faculty of the School of Law of the University of North Dakota at Grand Forks. He is giving the courses in Business Law, Private Corporations, Agency, Persons and Insurance.

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■ Brother Charles G. Howard (Magruder), who is a member of the faculty of the School of Law of the University of Oregon at Eugene, expects to complete the Annotations with Oregon notes of the Restatement of the Laws of Contracts this year. He is also Faculty Editor and Advisor of the Oregon Law Review.

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■ Honorable William E. Borah of Boise, Idaho, who is one of the most distinguished members of the United States Senate, was initiated as an honorary member of Kent Chapter last fall.

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■ Brother Fred Hoffmeister (Campbell) of St. Louis, Missouri, and Judge of the Circuit Court, is giving lectures on Wills and Probate Procedure at the Missouri Institute of Accountancy and Law at St. Louis.

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■ Brother John E. Tobin (Calhoun) is Prosecuting Attorney for the City Court of Middletown, Connecticut.

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■ Brother William Curtain (Calhoun) is one of the Prosecuting Attorneys of New Britain, Connecticut. He is assigned to the City and Police Court.

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■ Brother Richard S. Swain (Calhoun) of Bridgeport, Connecticut, is Prosecuting Attorney of Fairfield County.

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■ Brother Leonard McMahon (Calhoun) is Prosecuting Attorney for the City Court of Danbury, Connecticut.

■ Brother Thomas A. Finn (Taft) is Assistant Prosecuting Attorney of Bridgeport, Connecticut.

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■ Brother Nelson R. Durant (Taft) is Assistant City Attorney of New Haven, Connecticut.

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■ Brother Robert H. Fisk (Calhoun) is Public Defender for Tolland County, Connecticut. He resides at Stafford Springs.

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■ Brother Bertrand E. Spencer (Hamlin) of Middletown, Connecticut, is State's Attorney of Middlesex County.

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■ Brother John A. Cornell (Rapallo) is City Attorney of Bridgeport, Connecticut.

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■ Brother Francis V. Tracy (Calhoun) is City Attorney of Bristol, Connecticut.

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■ Brother Cushman B. Bissell (Magruder) is a member of the law firm of Lord, Lloyd & Bissell with offices at 111 West Monroe Street.

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■ Brother Forrest B. Olson (Hammond) of Iowa City, Iowa, is County Attorney of Johnson County.

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■ Brother Alfred M. Miller (Marshall) of Newton, Iowa, is County Attorney of Jasper County.

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■ Brother Joe B. Tye (Hammond) of Marshalltown, Iowa, is County Attorney of Marshall County.

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■ Brother Vernon G. Butz (Capen) of Kankakee, Illinois, has been re-elected Secretary of the Kankakee County Bar Association. He was married to Miss Aglae M. Gernon of Kankakee on the 26th of last September.

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■ Brother Irwin C. Taylor (Magruder) of Kankakee, Illinois, has been re-elected Treasurer of the Kankakee County Bar Association.

■ Brother Paul F. Smith (Fuller) of Independence, Iowa, is County Attorney of Buchanan County.

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■ Brother Don C. White (Hammond) of Storm Lake, Iowa, is County Attorney of Buena Vista County.

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■ Brother Everett Lewis (Magruder) of Benton, Illinois, who is County Judge of Franklin County, has formed a partnership with his brother, Thurlow G. Lewis, with offices in the First National Bank Building.

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■ Brother George B. Lee (Magruder) of Harrisburg, Illinois, was elected second Vice-President of the Saline County Bar Association on the 26th of last December.

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■ Brother David M. Rogers (Marshall) of Mitchell, South Dakota, is State's Attorney of Davison County.

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■ Brother James Paull, Jr., (Calhoun) of Wellsburg, West Virginia, is Assistant Prosecuting Attorney of Brooke County.

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■ Brother Thurston L. Keister (Staples) of Salem, Virginia, is Judge of the Twentieth Judicial Circuit of Virginia.

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■ Brother Alonzo G. Lively (Staples) of Lebanon, Virginia, is Judge of the Twenty-seventh Judicial Circuit of Virginia. His term continues until February 1, 1939.

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■ Brother James H. McGinnis (Staples) of Beckley, West Virginia, is the senior member of the law firm of McGinnis & Ashworth.

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■ Brother Clarence W. Meadows (Staples) is engaged in the practice of law at Beckley, West Virginia.

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■ Brother Howard R. Klostermeyer (Willey) is engaged in the practice of law at Charleston, West Virginia.

■ The Pittsburgh Alumni Chapter is continuing its policy of holding monthly evening meetings and weekly luncheons. The luncheons are held every Tuesday at the Hotel Henry and visiting alumni are cordially invited. The monthly dinner meetings are held in the Harvard, Yale, Princeton Club.

At the January meeting the chapter had as its guests Judge J. A. McLaughrey of Mercer County, Judge Charles M. Culver of Bradford County, and Judge Charles E. Whitten of Westmoreland County. At the February meeting Judge H. Walton Mitchell of Allegheny County discussed Orphan's Court Practise.

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■ Brother Russell R. Reno (Magruder) is a member of the faculty of the School of Law of Valpariso University at Valpariso, Indiana. Prior to assuming his duties at Valpariso, he had served as an Instructor in Business Law in the College of Commerce of the University of Illinois from 1929 to 1931. He is giving the course in Civil Procedure, Torts, Damages, Insurance, Partnership, Municipal Corporations and Bankruptcy.

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■ Brother William C. Ingram (Magruder), who is an Assistant United States Attorney for the Eastern District of Illinois, is now located at Danville, Illinois. For several years he was assigned to the office at East St. Louis.

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■ Brother Hayes Murphy (Fuller) of Rock Island, Illinois, is an Assistant State's Attorney of Rock Island County.

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■ Brother L. Edward Flaherty (Jay) is engaged in the practice of Patent and Trademark Law in the International Building at Washington, D. C.

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■ Brother William H. Alexander (Marshall) is in the office of Honorable Samuel Alschuler, senior United States Circuit Judge for the Seventh Circuit, 752 Federal Building, Chicago, Illinois. He resides at 87 Chicago Avenue, Hinsdale, Illinois.

■ Brother Henry J. Allen (Benson), former United States Senator from the State of Kansas, has been appointed Assistant to the President of the Reconstruction Finance Corporation at Washington, D. C. The appointment was made by the President of the Corporation, Honorable Charles G. Dawes.

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■ Webster chapter reports the following news of some alumni:

Brother Alvin B. Olson (Webster '31) who graduated from the Chicago Law School and was admitted to the bar last year is at present Assistant Valuation Attorney for the Chicago Union Station Company and is also starting out successfully in his private practise.

Brother Willard E. Atkins (Webster '18) is at present connected with the Washington Square College of New York University.

Brother J. H. Richmond (Webster '19) is practising law in Elgin, Illinois, and is the Republican candidate for State Auditor in the April primaries.

Brother E. R. Branson (Webster Honorary) has been appointed Dean of the Chicago Law School.

Brother Charles F. Tym (Webster '08) is at present attorney of Edgar County, Illinois.

Brother Jerry H. Glen (Webster '29) is at present a member of the firm of Taylor and Glen and is practising in Little Rock, Arkansas.

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■ Brother William C. Kelly, Chase '29, recently elected as Justice of Cincinnati Alumni Chapter, has joined the ranks of the benedicts. On February 20th he was married to Miss Doris Dieterle, daughter of Mr. and Mrs. George F. Dieterle of Cincinnati.

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■ Brother Cornelius Petzhold, Chase '22, was married on February 4 to Miss Wilma McCord, daughter of Mr. and Mrs. William McCord, of Madison, Indiana. Miss McCord is a graduate of Purdue University.

DIRECTORY of ACTIVE CHAPTERS

BENSON CHAPTER—Washburn College, Topeka, Kansas.

Justice: James McReynolds 1612 College Avenue.

Clerk: Max Hall, 1612 College Avenue.

BENTON CHAPTER—Kansas City School of Law, Kansas City, Mo.

Justice: James Williams, 538 Rialto Bldg.

Clerk: Sumner Roberts, Dierks Bldg.

BLACKSTONE CHAPTER—Chicago-Kent College of Law, Chicago, Ill.

Justice: Allen M. Klein, 55 Hill Terrace, Winnetka, Ill.

Clerk: Paul E. Thurlow, 1523 N. Dearborn Parkway.

BREWER CHAPTER—Stetson University, DeLand, Florida.

Justice: Wm. Gautier, Pi Kappa Phi House.

Clerk: R. E. Ulmer, Pi Kappa Phi House.

CAMPBELL CHAPTER—University of Michigan, Ann Arbor, Michigan.

Justice: Mark S. Andrews, 1223 Hill Street.

Clerk: Earl Kloster, 1223 Hill Street.

CALHOUN CHAPTER—Yale University, New Haven, Connecticut.

Justice: Robert C. Sullivan, 2587 Sterling Law Building.

Clerk: Arthur B. Sullivan, 2541 Yale Station.

CHASE CHAPTER—University of Cincinnati, Cincinnati, Ohio.

Justice: John W. Wilke, 809 Wyoming Avenue, Lockland, Ohio.

Clerk: Frank M. Wiseman, 77 West McMillan Avenue.

CLARK CHAPTER—Washington University, St. Louis, Mo.

Justice: Wilbur Lindauer, 3914 A Ashland.

Clerk: Kenneth Koechig, 5122 Waterman Avenue.

CLAY CHAPTER—University of Kentucky, Lexington, Kentucky.

Justice: Bert O. Howard, 336 Harrison Avenue.

Clerk: William J. Wigginton, 430 East Maxwell Street.

COLE CHAPTER—Drake University, Des Moines, Iowa.

Justice: John Schulte, 1355 30th Street.

Clerk: Herman Butler, 3318 Forest Avenue.

CORLISS CHAPTER—University of North Dakota, Grand Forks, North Dakota.

Justice: Carrol E. Day, 211 Walnut Street.

Clerk: Vernon M. Johnson, 236 University Station.

DUNBAR CHAPTER—University of Washington, Seattle, Washington.

Justice: Clifford O. Moe, 4725 15th Northeast.

Clerk: Jack McWalter, 919 Twenty-eighth Avenue.

FIELD CHAPTER—University of California, Berkeley, California.

Justice: William L. Wollitz, 495 Jean Street, Oakland, California.

Clerk: E. J. Livengood, 1431 Jackson Street, Oakland, California.

FISH CHAPTER—Mercer University, Macon, Georgia.

Justice: T. Julian Webb, Mercer University.

Clerk: Benjamin Overstreet Jr., Mercer University.

FLETCHER CHAPTER—University of Florida, Gainesville, Florida.

Justice: J. Edwin Larson.

Clerk: John T. Rogers, 223 N. 9th Street.

FULLER CHAPTER—Northwestern University, Chicago, Illinois.*Justice:* John G. Boyle, 244 East Pearson Street.*Clerk:* John T. Matthews, 195 East Chestnut Street.**GARLAND CHAPTER**—University of Arkansas, Fayetteville, Arkansas.*Justice:* Eugene Warren, Read Apts. No. 8.*Clerk:* Robert Young, Lambda Chi House.**GREEN CHAPTER**—University of Kansas, Lawrence, Kansas.*Justice:* Wm. B. Ryan, 1140 Louisiana Street.*Clerk:* Carl J. Garansson, 1140 Louisiana Street.**GUNTER CHAPTER**—University of Colorado, Boulder, Colorado.*Justice:* Charles R. Corlett, 1300 Penn Street.*Clerk:* Albert B. Logan, 1300 Penn Street.**HAMMOND CHAPTER**—University of Iowa, Iowa City, Iowa.*Justice:* Lorton R. Carson, 115 North Clinton Street.*Clerk:* Sloan Hutchinson, 115 North Clinton Street.**HARLAN CHAPTER**—University of Oklahoma, Norman, Oklahoma.*Justice:**Clerk:***HAY CHAPTER**—Western Reserve University, Cleveland, Ohio.*Justice:* Andrew Pangrace, 2102 Adelbert Road.*Clerk:* Edwin Northrup, 2102 Adelbert Road.**HOLMES CHAPTER**—Leland Stanford University, Palo Alto, California.*Justice:* Jud Kimball, 327 Waverly Street.*Clerk:* Lawrence G. Dorety, Menlo Park.**HUGHES CHAPTER**—Denver University, Denver, Colorado.*Justice:* Lansford F. Butler, 271 South Emerson Street.*Clerk:***JAY CHAPTER**—George Washington University, Washington, D. C.*Justice:* Robert M. Stearns, 1601 R Street, Northwest.*Clerk:* John Cunningham, 4116 Military Road.**JEFFERSON CHAPTER**—University of Virginia, University, Va.*Justice:* Wm. W. Burke, Care Mrs. E. M. Page.*Clerk:* Savery T. Amato, 1208 West Main Street.**KEENER CHAPTER**—Emory University, Atlanta, Georgia.*Justice:* James E. Howard, Care Law Bldg., Emory University.*Clerk:* G. W. Williams, Pi Kappa Phi House.**KENT CHAPTER**—University of Idaho, Moscow, Idaho.*Justice:* Robert E. Brown, 804 Elm Street.*Clerk:* William Ennis, Sigma Nu House.**KNOX CHAPTER**—University of Arizona, Tucson, Arizona.*Justice:* William Spaid, El Encanto Estates.*Clerk:* John G. Anderson, 1137 E. Elm Street.**LAMAR CHAPTER**—University, Mississippi.*Justice:* Warner Beard, Jr., Care Law School.*Clerk:***MCKINLEY CHAPTER**—Ohio State University, Columbus, Ohio.*Justice:* Lionel Moore, 35½ East 11th Avenue.*Clerk:* John Wagnitz, 48 North Wayne Avenue.**McREYNOLDS CHAPTER**—University of Tennessee, Knoxville, Tennessee.*Justice:* Harry Jamerson, 720 West Main Street.*Clerk:* Hugh E. De Lozier, 720 West Main Street.

MAGRUDER CHAPTER—University of Illinois, Champaign, Illinois.

Justice: Richard F. Hahn, 104 S. Gregory St., Urbana

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