

The Harvard Law School Record

VOL. 5 NO. 11

CAMBRIDGE, MASS., TUESDAY, DECEMBER 16, 1947

PRICE TEN CENTS

NEWS IN BRIEF

RHODES SCHOLARSHIPS

Two fifth term students, John T. McNaughton (De Pauw '42), a member of the *Law Review*, and George L. Powell (Rensselaer '44) have been awarded Rhodes scholarships to Oxford University. Their courses will begin in October 1948 after their graduation from the Law School and they will continue their work for two years with a possibility of a third year of study abroad. In the 1947-48 terms, the annual stipend for the Rhodes scholarships amounts to 500 pounds.



McNAUGHTON



POWELL

McNaughton who intends to return to the publishing business in Illinois will study economics with particular emphasis on the political aspects of economics which enter into international relations. Powell has chosen civil law as his field of concentration in preparation for a career in international law.

LAW SCHOOL DIRECTORY

The PBH Law School Committee announces that the Harvard Law School Directory will be distributed to the members of the student body tomorrow. Sufficient copies have been provided to give each student a single copy and it is the hope of Directory Chairman, Carl Shipley, 3L, that the supply will reach everyone.

Delay in publication has been occasioned by the usual difficulties attending printing projects and the fact that permanent addresses could not be determined until November 15 due to the constant moving of the Law School population.

LAW AND MEDICINE

Alan R. Moritz, Professor of Legal Medicine at the Harvard Medical School, delivered the fifth lecture on Law and Medicine last Tuesday afternoon in Langdell North Middle. In discussing *Scientific Evidence in Death By Violence*, Dr. Moritz outlined the specific methods used in establishing a dead person's identity, the time of death, and the way in which death occurred.

AVC CHRISTMAS PARTY

The Harvard Chapter, American Veterans Committee, in cooperation with the Harvard Veterans' Wives Office have arranged for a Santa Claus to visit five housing project areas on Friday, December 19. The time of Santa's visit is tentatively scheduled for one o'clock but the exact hours will be posted on project bulletin boards.

Santa Claus will talk with the kiddies and distribute candy. Not only the children living in housing projects are invited to participate but all veterans' children and children of other students are invited to be present at one of the following locations: Holden Green, Jarvis Court, Andover Court, and Harvard Way Extension by the bulletin boards; Sterling playground; and Shaler Lane by the sand box.

ESTATE PLANNING

Before an overflow audience in Langdell Court Room last Thursday afternoon, Mayo A. Shattuck, LL.B. '21 discussed *A Typical Estate Plan of An Average Middle Class Client of Average Means*. Urging his listeners not to be bound by old fashioned methods, he advocated the use of a freely amendable

(Continued on page three)

LAW REVIEW ELECTS NEW PRESIDENT

Sheldon Oliensis To Succeed Albert Sacks As Head Of "Bugle"

In the election held last Saturday night at the Signet Club, Sheldon Oliensis of Philadelphia, Pa., was elected President of the *Harvard Law Review* for the next two terms. Oliensis, a fifth term, was graduated from the University of Pennsylvania in 1943. The new president, who has been serving as Note Editor during the present term, succeeds Albert M. Sacks (C.C.N.Y. '40), who has been heading the "Bugle" for the past two terms. He will take over his new post immediately.



OLIENSIS



SACKS

Following his election, Oliensis announced the new appointments of editors to head the various departments of the *Review*. They are:

Note Editors: Roger D. Fisher, Winnetka, Ill., (Harvard '43) and Hugh Calkins, Newton, Mass., (Harvard '45).

Case Editor: John T. McNaughton, Pekin, Ill., (De Pauw '42).

Articles Editor: Richard L. Selle, Oak Park, Ill., (Oberlin '42).

Book Review Editor: Fred N. Fishman, Brooklyn, N. Y., (Harvard '46).

A Treasurer will be elected this evening to succeed John R. Todd, III (Emory '43), of Kingsport, Tenn.

Dickens' Works Describe The Maze That Was The Law A Century Ago

"At the Great White Horse, Ipswich, an elderly constable named Grummer entered a room engaged by the Pickwick Club and demanded which was Mr. Tupman.

"My name's Tupman," said that gentleman.

"My name's Law," said Mr. Grummer."

And so it goes; the Law is everywhere in Dickens' works, drawing with it an obsessive pageant of portly magistrates, pallid clerks, and hapless litigants buried in the dust of legal remedies that had long since become obsolete. Part reformer and part antiquarian, Dickens drew unforgettable portraits of legal personages and practices whose vividness never fades, even though our own age invents barbarities of more enormous grandeur.

Personages

Very few officials of high legal rank appear in Dickens. Stareleigh, J., the muffin-like creature who tried *Bardell v. Pickwick* comes to mind, but for the most part the Court is usually refreshing itself with a pint of porter in its chambers, while lawyers and a variety of clerks and minor officials are given principal attention. It is they who form a most extraordinary gallery. Pickwick's attorney, Mr. Perker, is genially portrayed; others range from the ill-fed Mr. Solomon Pell, who practiced in the Insolvent Court and bragged of high connections, to Dodson and Fogg, who had a maleficent genius for sharp practices. Serjeant Buzfuz is one of a medi-

YEAR BOOK SUBSCRIPTIONS

Subscriptions for the 1948 Law School Yearbook are now being taken. Subscription cards may be had at the Yearbook office in Gannett House. The book will be distributed May 1. Price: six dollars.

BOARD ELECTS NEW OFFICERS

Wessel Named Chairman, Succeeding J. Massengale

Milton R. Wessel, Yale '44, was elected the new chairman of the Board of Student Advisers last week, succeeding John E. Massengale, Harvard '42. The new board officers appointed by Wessel are Roger Henselman, Harvard '42, First Year Chairman; Leland J. Markley, Colgate '43, First Year Facts Chairman; Alan Palwick, Harvard, Second Year Chairman; Stanley A. Freedman, Harvard '42, Second Year Facts Chairman. These men will take over the jobs of James W. Perkins, Harvard '45, Samuel O. Pruitt, Jr., Washington and Lee '41 and C. Duane Aldrich, Harvard. Alan Palwick who was the Second Year Facts Chairman last term has been promoted to his present position this term.



WESSEL



MASSENGALE

The Board of Student Advisers is currently engaged in the final preparation of the movie on legal advocacy, revising and writing of cases for future Ames arguments, and the gradings of briefs and orals to determine winning clubs and individuals in the round just completed. This term has marked the last round of arguments under the post-war accelerated program.

HIGH COST OF LIVING TO BE FORUM TOPIC



SENATOR HOMER E. CAPEHART

HEADS CHOSEN FOR LEGAL AID

Robinson To Serve As President Next Semester

In elections held last week Walter M. Robinson, (Vanderbilt '43) was chosen President of the Legal Aid Bureau to succeed George T. Morton (Grinnell '41). Robinson has served three terms on the Bureau and moves up from the post of Junior Director.

The new Vice President is Lewis H. Johnson (Chicago '42), succeeding Wilfred G. Howland (Bates '40). C. Gorham Phillips (Williams '43) is the new Secretary; Edward I. Rothschild (Harvard '42), Treasurer; Harry H. Riddick (Alabama '43) Senior Director; Maxwell E. Greenberg (U. C. L. A. '41) and Cornelius J. Peck (Harvard '45) Junior Directors.



ROBINSON



JOHNSON

In addition to Morton and Howland, other retiring officers are Frank Norton Kern (Ohio Wesleyan '41), Roger A. Cunningham (Harvard '41), Carrol Hament (Johns Hopkins '41) and Theodore A. Bruinsma (Washington and Lee '41).

NEW PLANS URGED FOR WAR MEMORIAL

At a meeting last week led by Stanley Karson, Chairman of the Harvard Chapter, American Veterans Committee, a group of 30 student representatives from all parts of the University discussed suggestions for a University War Memorial made by the official Alumni Committee in its preliminary report. This Alumni Committee listed three possibilities: a \$500,000 Memorial Scholarship Fund together with a \$200,000 plaque in Memorial Church, a student Activities Center, containing a large auditorium and meeting rooms, and a Medical Center.

The gathering of student representatives voiced opposition to a non-utilitarian memorial, specifically the \$200,000 plaque. They were overwhelmingly in favor of the Student Activities Center. Henry Lopez, 3L, president of the Law School Forum, expressed the great need that the Forum had for a

(Continued on page four)

(Continued on page three)

Senator Capehart And Leon Keyserling Will Speak Tonight

The high cost of living problem will be the featured Harvard Law School Forum topic tonight as Senator Homer E. Capehart, Republican of Indiana and Mr. Leon H. Keyserling, Vice-Chairman of the President's Council of Economic Advisers debate the Truman proposal for coping with inflation. Professor Richard H. Field, former General Counsel of the OPA and now of the Harvard Law School will moderate the meeting scheduled to start at 7:50 p.m. tonight at Rindge Tech High School Auditorium.

Senator Capehart, a successful businessman in private life, is expected to attack certain of the President's proposals as "police-state regimentation." Expected to bear the brunt of the Senator's criticism are such controversial issues as the imposition of price ceilings on essential cost-of-living items, freezing of present wage scales and rationing of basic commodities. High in Republican circles, Senator Capehart will probably present the essence of his party's proposals for the economic crisis.

On the other hand, Mr. Keyserling, reigning New Dealer influential in advising the President on economic problems will probably support Mr. Truman's proposals including the extension of rent controls, increased savings program, limitation of commodity exchange, speculation, and restoration of consumer credit controls. A graduate of Harvard Law School in 1931, Keyserling has had considerable experience in Washington economic circles. After teaching economics at Columbia University, he was attorney for the Agricultural Adjustment Administration, and later legislative assistant to Senator Robert F. Wagner where he worked in drafting the National Industrial Recovery Act and the Social Security Act, among others. Keyserling has also served as consultant to the Senate Committee

(Continued on page three)

CASNER DISCUSSES U. S. ESTATE TAXES

Professor A. James Casner recently addressed 275 lawyers, trust officers and insurance men in Toledo, Ohio, on the topic, *Federal Income, Gift and Estate Taxation of Trusts*. The lecture was chiefly devoted to a consideration of the relation of two tax proposals now before Congress to each phase of the tax problem, and the state of the present law.

The first proposal which he discussed was the *Integration Report* which was prepared by the Treasury Department and its Advisory Committee. The report is an attempt to simplify the tax structure by eliminating gift and estate taxes and to impose in their place one tax called a transfer tax. It is proposed that this tax be assessed at the time the transfer becomes complete which may be during the transferor's lifetime or at his death, depending on the nature of the transfer. The report intends to integrate the income tax with this transfer tax so that the transferor will be subject to an income tax on the income from the property until the transfer is deemed complete. Professor Casner criticized the report on two grounds; he did not like its retroactive features and he objected to its determination of the circumstances which make a transfer complete.

Another set of proposals before Congress originated through the House

(Continued on page three)

The Harvard Law School Record

Published weekly on Tuesdays for twelve weeks of each term by *The Harvard Law School Record Corporation*, Austin Hall, Cambridge 38, Massachusetts. Subscription price: \$2.00 per term mailed, \$4.00 per year (24 issues); student subscription \$1.50 per term mailed, \$1.00 per term distributed at the Law School. Individual copies \$.10 each at the Law School; \$.15 each mailed. Business and Editorial Offices, Austin Hall, Cambridge 38, Massachusetts. Telephone Kirkland 7-7600, extension 133.

LOREN E. JUEL President
WALTER J. MYKOWSKI Editorial Manager
A. BYRNE LITSCHIG Business Manager

EDITORIAL BOARD

LAURENCE P. CORBETT News
JEROME SHESTACK Features
ELI GOLDSTON Opinion
STANLEY R. EVANS Current Case
MILTON P. KAYLE Articles
SYDNEY ROTHSTEIN Calendar
ARTHUR S. FRIEDMAN Alumni
NATHANIEL B. TAFT Comment
MILES G. WEDEMAN Copy Editor
RICHARD H. WOLFORD Associate Editor
JOSEPH P. LOGAN Associate Editor
EUGENE J. T. FLANAGAN Secretary

BUSINESS BOARD

LESTER J. TANNER Advertising Manager
HOWARD MONDERER Circulation Manager
WILLIAM P. CUNNINGHAM Treasurer

STAFF

Elliot S. Gross, Richard A. Holman, Paul Kirby, Herbert Lasky, Bernard L. Marcus, Alvin Silverman, Saul Touster, Kenneth C. Weinberg, Richard Wincor, George Benedict.

CHANGES OF ADDRESS should be sent to the RECORD office, Austin Hall, Cambridge 38, Massachusetts, at least three weeks in advance to insure prompt delivery.

"Entered as second class matter November 19, 1946, at the post office at Boston, Massachusetts, under the Act of March 3, 1879."

Editorials

In future years, writers assaying the present accelerated program at the Harvard Law School no doubt will be impressed by the high percentage of married men in the student body. That the overwhelming majority of these men were able to meet successfully the exacting demands of legal training will bear testimony to the contributions of their wives, who may well be termed the "unsung heroes" of this challenging period in post-war education.

The law is a jealous mistress, but the truth of this phrase is brought home to most wives through the acid test of experience. Adapting themselves to the exigencies of the housing shortage, working at various jobs to supplement the universally meagre "G.I." allowance, adjusting their social routines to the hours "on the books" and to the schedules of "baby-sitters," the law wives have proven themselves to be first-class partners in the initial battle with Dame Law on the Harvard proving grounds. Likewise, single men in the student body are indebted to the law wives for the convenience of Kendall House lunches, not to mention their invaluable aid in the work of the Forum, Yearbook, RECORD, and other student activities.

Dean Griswold recently stated that the Administration chooses to look upon the students' wives as bona fide members of the Law School. Indorsing these sentiments, the RECORD takes this opportunity to recognize publicly the role of the Harvard Law School wife, who in this early stage of her spouse's career is helping to build the strong foundation of understanding and co-operation essential in adjusting the responsibilities of family life to the obligations of the legal profession. M.P.K.

Letters to the Editor

To the Editor of the RECORD:

Your article of November 5 about Congressional investigation is thought-provoking, but errs, I submit, in talking too much in the language of criminal law.

The proceedings under discussion are legislative hearings not judicial trials. The primary purpose is to inform members of the committee how things have been going in the field under scrutiny, so that they can decide whether new legislation is needed. The committees are not trying anyone. Of course, if a given legal or administrative set-up has resulted in abuse, the exposure of such abuse is pertinent in indicating how the law could best be strengthened; but the real nature and purpose of the proceedings place them in a different class from criminal trials.

Many people associate the interrogation of witnesses with police court procedure, and there is danger that people will be confused as to the real nature and purpose of these committee hearings. I fear that the language in which some of the suggestions quoted in your article are phrased may add to that confusion. I refer especially to the suggestion:

"Specific charges should be framed . . . so that the accused know what he has to answer, and so that 'judges' may know what they are deciding."

I agree entirely on the importance of protecting witnesses from having their reputations unfairly besmirched, but it seems very questionable whether the solution lies in surrounding these hearings with procedures appropriate to criminal proceedings.

At legislative committee hearings in Massachusetts witnesses frequently want to answer some point raised by a later speaker. The general rule is that no rebuttal is allowed. Neither is cross-examination; and if the committee is trying to close a hearing and a witness insists that he has a right to be heard, he is told that he has not; that the committee could pass on the issue before it without hearing witnesses, and that witnesses are present to help the committee along such lines as it determines.

Congressional investigations undoubtedly dig into abuses much more than do Massachusetts legislative hearings, but I mention the Massachusetts procedure in order to emphasize the points that congressional hearings are legislative not judicial in nature; that the committees are investigating a subject and not trying anyone; and that it is unfortunate to speak about it as though they were.

LAURENCE CURTIS, LL.B. '21
State Treasurer and former State Senator.

To the Editor of the RECORD:

For some time it has been popular to accuse the *Harvard Law Review* of maintaining its "exclusiveness" without considering the interest of the students. Under the heading of "Opinions of the Staff" in your issue of Dec. 9, one of your writers apparently subscribed to this view.

The *Law Review* was founded 60 years ago as a legal periodical, uncontrolled by the school. Today its primary purpose remains the same: to publish as good a magazine as possible. True, its editors receive incidentally some excellent legal training, and they may find it easier to find a job after graduation. But *Review* policies are governed primarily by what is best for the magazine. In the period since the war some discussions have taken place over the relative merits of the present system calling for long hours of work by relatively few students as contrasted with the competitive method of some other legal periodicals. So far no one has shown any other plan to be superior. Since the editors are responsible for the standards maintained by the *Review*, their best judgment on the methods most nearly calculated to further its primary purpose must be decisive.

The Law School, on the other hand, has as its primary function education of the students. If it is true, as one faculty member is said to have remarked, that no one not on the *Review* gets a good legal education, the responsibility for correction lies with the School. Nevertheless, the current "intramural" program was instituted at the suggestion of the *Review* and is to be administered under its supervision. This seems to be a fair compromise in that it puts the *Review* into "education" without greatly jeopardizing its primary function of publishing a magazine.

If there are those who feel that the *Review* should change its main purpose from publishing to pedagogy, let them so advocate, giving arguments for such a course; or let them show that adding a new function, and doing so by "increasing the varsity," will not interfere with publication. Doubtless these matters were thoroughly considered at the rather lengthy discussion at Gannett House a few weeks ago.

It is easy to criticize, but statements which ignore the fact that the *Review* has a publishing objective and which accuse it of maintaining its exclusiveness for exclusiveness' sake, do an injustice to many editors who could maintain that exclusiveness, at the expense of the magazine, of course, and still leave Gannett House two or three hours earlier each night.

JOSEPH R. CREIGHTON, 3L.

Off the Record

There's Egg in the New Haven Beer
Do the Yalies get law with their culture?

According to stories up here

They have courses like

Gov, anthrop, and psych,

Philos, history, and ec.

But you'd rather expect

That for an A.B., colleges

Would require those knowledges.

How much egg in your beer

Till it's omelette?

How much egg do you want in your beer?

Do the Yalies make much better lawyers

Than fellows who study up here?

A brief wholly void

Of law, full of Freud,

May collapse at the joints

Faced with cases on the points.

Even Louis D. Brandeis

Briefs employed stare decisis.

How much egg in root beer

Till it's Pilsener

To a really good judge of fine beer?

E. G.

Gallery

AUSTIN WAKEMAN SCOTT

Professor of Law



A Harvard Law School student attending an alumni function anywhere in the country is likely to find himself surrounded by clamorous lawyers of all ages.

"How's Scotty?" they cry. "Is he still the same in class?"

Soon the group is buzzing with talk punctuated by frequent shouts of laughter as the older men compare their memories of Scotty's classes thirty years ago with the student's description of today's sessions with Scotty. There is a note of affection in their voices that discloses their high regard for a great teacher, a regard that has lasted through the years.

In the great body of Harvard Law School students and alumni Scotty is Austin Wakeman Scott, Dane Professor of Law in Harvard Law School and known in the legal world as the foremost American authority on the law of trusts.

Scotty regards the study of law as a serious business and he tries to make his students see how serious it really is but he also wants them to enjoy it.

That Scotty succeeds in making his classes fun is clear to anyone who has sat in one of them and heard the frequent bursts of laughter that rock the classroom. He constantly paces the platform, his short spare figure always in motion, tossing out questions and spontaneous observations on the answers he receives. His teaching is full of vigor; he tries to make the cases come to life.

"Doesn't this case just make your hair stand on end," he will cry to show his disapproval.

The student who hesitates in answering a question is lost.

"Mr. Shestack, I wonder whether you think the opinion in *Poff v. Poff* on page 117 is correct or otherwise?" Scotty will ask, and then, after a few seconds of hesitation by Mr. Shestack, "or perhaps I am begging the question. Perhaps I should ask whether you think."

The student who answers at too great length is also lost. He is likely to find himself in the position of one man who took about five minutes to answer a simple question.

"Mr. Milligan," said Scotty, his face serious, "that was a good answer. In fact you gave two good answers. In forty years of teaching those were the best two answers I have ever heard."

He paused and Mr. Milligan glowed with satisfaction.

"But, Mr. Milligan, you answered the wrong question. Now the question was . . ." His words were lost in the gale of laughter that swept the lecture room. It was minutes before he could be heard again.

Professor Scott graduated from Rutgers University in 1903, having majored in history and mathematics, and began to teach at Rutgers Preparatory School that year. He had no idea then of studying law, but a chance reading of a volume of Blackstone aroused his interest and he began to study the *Commentaries* in the evening. In 1906 he enrolled at Harvard Law School.

"It was an intellectual awakening," he says now.

In 1909 Mr. Scott graduated, having been on the *Law Review*, and went to the New York firm of Winthrop and Stimson. He had intended to become a practicing attorney, but in the middle of the 1910 school year Dean Ames died and Scott was asked to take his classes for the remainder of that year. He agreed to do so and commuted regularly between New York and Cambridge until June.

The teaching of law was much to his liking, he discovered, so the acceptance of an invitation to stay on as Assistant Professor of Law was natural.

Early in his career at Harvard Mr. Scott took an interest in the law of trusts and has specialized in it for some 35 years. He was Reporter for the American Law Institute's Restatement of the Law of Trusts, the writing of which took some eight years. His great treatise, *Scott on Trusts*, was in preparation over a period of years

Sub Judice

TO LOVE, HONOR, AND HAVE FAITH * * *

John and Wilda were married on April 6, 1944. On April 24, 1944 John went overseas as a member of the United States Army and remained outside the continental limits of the United States until December 8, 1945. He was discharged on December 14, 1945, and saw his wife the next day, for the first time since his departure in April, 1944. About two months after his return his wife informed him that she thought she was pregnant. Upon consultation, a doctor said the baby was four months gone. John said it could not be four months gone and be his, whereupon Wilda started crying. Some time later the doctor told them that the baby was coming in July. In spite of all this John continued to live and cohabit with Wilda, until the baby was born on June 23, 1946. According to medical testimony, it was not less than a seven months baby. Some two months later Wilda admitted to John that she had been unfaithful on several occasions, and that the baby was not John's.

In answer to John's action for divorce, on the grounds of adultery, Wilda claimed that he had continued to live and cohabit with her with knowledge that she had committed adultery, thereby condoning and forgiving. If established, this would have been a defense. The court, however, placed marital faith above medical science and decided that John did not really have "knowledge" of her adultery. The divorce decree granted in the lower court was affirmed. "Knowing that nature sometimes plays havoc with the physician's most expert diagnosis, was he bound to believe the accuracy of the doctor's opinion as against the tears in the eyes of his wife? We think the trial court was justified in concluding that appellee had more confidence in the purity of his spouse than in the opinion of the physician. Such a conclusion seems to us not only proper but wholesome." *Pilgrim v. Pilgrim*, 75 N.E. 2d 159 (October 24, 1947).

HONESTY PAYS OFF IN ADMIRALTY * * *

On January 3, 1947 Charles A. Amott of Bayshore, Long Island was operating a flat bottom boat, eighteen feet long and six feet wide, powered by a small gasoline motor. In his pocket he had in United States currency the sum of \$2,133. On the same day Amott's boat capsized and he was drowned. More than three months later, April 17, 1947 Mr. Broere, the libellant in this case, while navigating in the Great South Bay sighted Amott's body afloat. He attempted to haul the body into his boat, but, being unable to do so, he attached a rope to it and towed it to Bayshore where he turned it over to the New York Police Department. The Police Department, in turn, delivered the currency found on Amott's body to the respondent, Coroner of Suffolk County. On these facts, the libellant claimed an award of salvage. The administrator of the deceased intervened, asking that the libel be dismissed. He argued that a claim for salvage could not lie against monies found on a dead body in navigable waters.

In reaching a decision, the court had difficulty in finding cases precisely in point, but concluded that money on a dead body could properly come within the category of "derelict" and be the basis of an award to the person responsible for saving it. As a policy argument, the court suggested that such a holding would encourage the disclosure, rather than suppression, of such discoveries. "There is no basis for making a distinction between specie found on a floating body, and specie saved from a wreck which later turns out to have been the property of drowned passengers. . . . Neither on principle nor authority can I see any reason for depriving this libellant of the fruits of the risk he assumed and of the work he did, however trifling these may be, principally because of his honesty." The exception to the libel was overruled. *Broere v. Two Thousand One Hundred Thirty-Three Dollars*, 72 F. Supp. 115 (E.D. N. Y. 1947.)

with the last three or four years before its publication in 1939 being largely devoted to work on it.

Honors have come to Austin Wakeman Scott; from the law professors of America by his election in 1928 to the presidency of the Association of American Law Schools, from Rutgers and Harvard Universities in the form of honorary degrees of Doctor of Laws, and from the American legal profession in its high regard for his legal scholarship. But the Harvard Law School has always been his great love.

"I like the Law School pretty well," he says, nodding his gray head to emphasize the gentle understatement. "I like the Harvard Law School pretty well."

H. K.

(This is the second of several Galleries which will be reprinted from time to time from earlier volumes of THE RECORD for the benefit of new students and alumni.—Ed.)

Alumni Notes

Alumni are especially invited to forward contributions to this column to the Record office, Austin Hall, Cambridge (38), Mass.

LL.B. '05—Judge James Bancroft Littlefield, associate justice of the Rhode Island Juvenile Court since it was set up in 1944, died in Providence on Dec. 3.

LL.B. '07—"Collected Speeches," by Heber H. Rice of the General Counsel's staff, General Accounting Office, Washington, D. C., has just been published. It contains an account of the recent 40th Anniversary Reunion of the Harvard Law Class of 1907, and also 30 of Rice's other public addresses. The author is Honorary President of the United Nations League of Lawyers, and Past National President of the Federal Bar Association.

LL.B. '25—William H. Gambrell, a vice-president of the New York Trust Company, has been made head of the bank's Personal Trust Division.

LL.B. '33—After 12 years of service with the U. S. Department of Justice, as a Special Attorney, Julius L. Kabatsky has resigned to devote his full time to the practice of law with offices at 963 Penobscot Building, Detroit, Michigan.

LL.B. '38—It has been announced that Murray Sargent, Jr., has been appointed state chairman of the New York section of the Junior Bar Conference of the American Bar Association. The confer-

ence includes all members of the association who are under the age of 36.

LL.B. '39—John H. Ferguson has been appointed executive director of the Committee for the Marshall Plan to Aid Europe. He has taken a leave of absence from the firm of Root, Ballantine, Harlan, Bushby and Palmer to direct the committee's work.

LL.B. '40—James A. Gorrell is with the Columbus, Ohio, firm of Vorys, Sater, Seymour & Pease. He is treasurer of the Harvard Club of Central Ohio.

Sp. '42—George T. Contaloni has been elected a member of the Woburn, Mass., School Committee for a two-year term.

MEMORIAL—(Continued)

suitable auditorium. The Forum at present uses the Rindge Tech High School facilities.

The Alumni, who will be called upon to contribute to the War Memorial selected, were urged to make clear their preferences in the matter by writing to the official Alumni Committee headed by Senator Leverett Saltonstall '14.

FORUM—(Continued)

on Banking and Currency and completed various economic studies for the Senate postwar committee. His work "The American Economic Goal" was the prize-winning essay in the Pabst postwar employment contest.

Following the two speeches, there will be a period with questions from the audience, the first half hour of which will be broadcast by WHDH, starting at 9 p.m.

NEWS BRIEFS—(Cont.)

and revocable inter vivos trust as the basis of modern estate plans.

Mr. Shattuck pointed out that this type of trust device is more economical, efficient, private, stable, and flexible than the ordinary method of providing for beneficiaries by will. Though he advised the use of life insurance to achieve available liquid assets on the settlor's death, he cautioned against the rigid and artificial settlement options found in many policies.

BASKETBALL

Competition is keen in the Law School basketball leagues as the twenty clubs race toward the semi-finals on January 6 and the finals on January 8. During the past week the National League Swishers copped their sixth straight win by topping the Fifty-Niners 68-46. Ed Silberling, Murray Goetz, and Ray Tolles together accounted for 44 points. One more win will clinch the Swishers' place in the semi-finals. In the International League, the Gothams led by Elliot Gross moved into second place by defeating Lincoln's Inn. (Should the Eagles trip the Gothams in their forthcoming contest the Eagles will reach the playoffs.) In the Coast League, the Tigers with Ben Byrne sinking 23 points trounced the Wolverines by a 69-24 tally. Paced by George Burditt's 18 points, the Chancery Club in the American League continued their unspoiled record by edging out the Rover Boys.

CASNER—(Continued)

Ways and Means Committee by a specially appointed advisory committee under the chairmanship of Roswell Magill, formerly Professor of Taxation at Columbia Law School. Professor Casner was not so critical of these proposals because they are more favorable to the taxpayer; they remove many of the present obstacles to the transfer of property resulting from income tax burdens placed on the transferor.

In an effort to bring together men of differing views in regard to estate planning, Professor Casner has addressed similar groups in Pennsylvania and in Washington, D. C. He will speak to a large group of insurance men at the Waldorf Astoria Hotel in New York City on Jan. 3 and he will address a conference of 1500 trust officers at the Waldorf Astoria on Feb. 11.

LOST

BA II NOTES TYPEWRITTEN BLUE GREEN LOOSELEAF NOTEBOOK, IRREPLACEABLE. REWARD RETURN TO LOST & FOUND, LANGDELL

Oxford Grille

"Known from coast to coast as the O. G."

36 CHURCH ST., just off Harvard Square

Serving good food and good liquors at Reasonable Prices

Preferred By Law School Men For Years

Tired Of Following The Res? Then Follow The Crowd To The Oxford Grille

HOTEL COMMANDER

Across the Common from Harvard

All Rooms with Bath from \$4.50

COLONIAL DINING ROOM DRUM ROOM

Private Dining Rooms for:

Luncheons Parties
Class Reunions Meetings

16 Garden Street

Cambridge, Mass. Tel. Kirkland 4800

SKIS & EQUIPMENT

STEEL EDGES — REPAIRING
SKI ACCESSORIES OF ALL KINDS
SKATES SHARPENED

TENNIS & SQUASH SHOP

67A MT. AUBURN ST. CAMBRIDGE
OPP. LOWELL HOUSE TRO. 5417

LAW OUTLINES

HARVARD BOOK STORE

19 Boylston Street Harvard Square
next to Western Union

MIDGET

Restaurant and Delicatessen

Favorite Law School Eating Place

CHOICE FOODS, LOW PRICES

STUDENTS SPECIALS DAILY

ELL. 8556 1728 MASS. AVE. Law Club Catering

BY WAY OF INTRODUCTION

Carrying only men's suits, jackets, topcoats and overcoats, Duncan Macandrew specializes in men's outerwear. But in style or material, there is no specialization. Harris, Scotch and domestic tweeds, English flannels and twists, and the cream of American hard finish materials are offered. The customer dictates his styling, or elects one of our patterns. In a word, these features constitute complete outerwear service.

Custom Suits from \$49.50

Custom jackets from \$34.50

Custom topcoats from \$46.50

Custom overcoats from \$49.50

Duncan Macandrew

CLOTHIERS for MEN

40 Boylston Street Cambridge 38, Mass.
Phone KI 7-8585



The puny purse
Can take the tax
For Hunter Haig's
Gray flannel slacks.

\$14

HUNTER HAIG

OPPOSITE THE LAMPOON



HOTEL CONTINENTAL

"One of New England's Best Hotels"

Cambridge, Mass.

VISIT PICCADILLY INN FOR RELAXATION,
REFRESHMENT AND REPAST

Full Course LUNCHEONS—95c and up

Full Course DINNERS—\$1.40 and up

All Beverages moderately priced

Delightfully cool in Summer—Comfortably warm in Winter
Chauncey Depew Steele, Jr., General Manager CALL: KIRKLAND 6100

Imported and Domestic Wines, Liquors, Cordials HARVARD PROVISION COMPANY, Inc.

92-94 Mt. Auburn St., Cambridge — KIR. 6684

Hours: 9 A.M. - 9 P.M. - Fridays and Saturdays

9 A.M. - 7 P.M. - Monday thru Thursday

ALL POPULAR BRAND SCOTCHES \$5.85 A BOTTLE

SKIS and Skiing Equipment EXCELLENT SELECTIONS

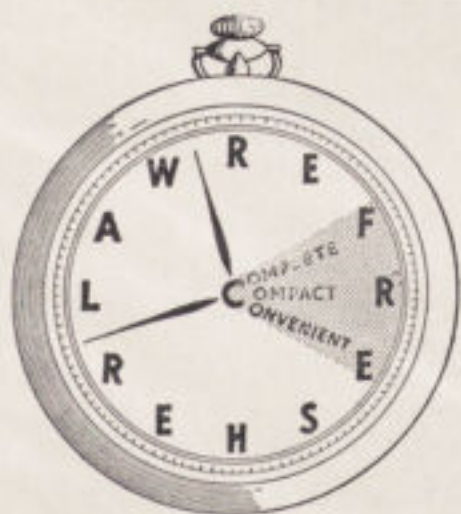
Skis,
Boots,
Poles,
Bindings,
Gabardine Trousers
Jackets and
Accessories for both
Men and Women
Bindings and Steel Edges Mounted

Special Ski Combination

Skisport Ridge Top Hickory Skis, 6' to 7'
Colored Enamel Tonkin Poles
Harvard Coop Cable Bindings—Mounted
Special—\$19.50

Total of Individual Prices \$22.40

The COOP



Join the thousands who now
SAVE TIME on

- LEGAL RESEARCH
- OFFICE REFERENCE
- BAR EXAM PREPARATION

A complete summary of twenty-three subjects of procedural and substantive law

COMPLETE
CONVENIENT

LAW REFRESHER

COMPACT
COMPETENT

By PROFESSOR WILLIAM E. BURBY

\$25.00 PREPAID

Student Editions of Individual Subjects \$1.50 Each — Write for Complete List

The Law School  PRESS
BOX N • WEST LOS ANGELES, CALIFORNIA

Calendar

THE LEGAL WORLD

Law School Forum

What Shall We Do About the High Cost of Living? is the topic to be discussed by Homer E. Capehart, U. S. Senator, and Leon H. Keyserling, member of the President's Economic Advisory Committee. The Forum will be held tonight at 7:50 p.m., at Rindge Technical H. S. Auditorium. Prof. Richard H. Field, formerly General Counsel of the O.P.A., will be the moderator.

Harvard Law Wives

Mrs. Mercie Fogg of the Garland School will lecture on the *Art of Making Christmas Delicacies on a Limited Budget* tomorrow at 8 p.m. The opera class will meet on this Thursday and on January 8 at Kendall House at 8 p.m.

Estate Planning

Mayo Shattuck, Esq., of the Boston Bar, will deliver his third and final lecture on *A Typical Estate Plan* this Thursday at 4 p.m., in Langdell Courtroom.

Thurston Club

A Christmas Egg-Nog Party will be held at the home of Frank Boyce, Apt. 514, 888 Mass. Ave., Cambridge, tomorrow evening from 8 to 10:30 p.m.

Law and Medicine

Scientific Evidence in Deaths by Violence is the subject of today's lecture by Dr. Alan R. Moritz of the Harvard Medical School. This final lecture of the series of six on *The Relationship Between Law and Medicine* will be held in Langdell North Middle at 4 p.m.

Story Club

The club picture will be taken at 1:15 p.m. tomorrow on the steps of Langdell Middle. There will be a club cocktail and dinner party tomorrow evening at 6:45 p.m. at Lincoln's Inn.

Yearbook Pictures

All Yearbook proofs are in. Those whose proofs are missing will have complimentary resittings today, Tuesday, Dec. 16, between 9 a.m., and 5 p.m., in the basement of Gannett House.

THE UNIVERSITY WORLD

Lecture

Under the auspices of the Department of Government and the Graduate School of Public Administration, the final lecture on *The Evolution of Military Government Policy in Germany* will be given by Professor Carl J. Friedrich tomorrow in the Littauer Auditorium.

Dickens' Novels Portray The Law

(Continued from page 1)



WELLER AND HIS FRIENDS DRINKING TO MR. PELL

where a would-be spectator is checked at the venerable doors of Parliament.

"Do you hear, Sir, will you go back" continues the official dignitary, gently pushing the intruder some half-dozen yards."

Here in his earliest work Dickens utters the basic protest that explains many of his later clerks and magistrates. They, in their turn, are like a Bruegel painting; each figure is done with rare detail, and together they have the unity of a masterpiece.

Practices

The laws, institutions, and procedures of Dickens' time are like a fog-bound maze in which individual figures appear and speak their memorable lines, only to be swallowed up again, inexorably, brief-case and all. As a legal historian Dickens left us valuable records. As an artist he turned the Law itself into a person, making it his real protagonist.

Some idea of early 19th century conditions is indicated in a passage from "A Christmas Carol." Scrooge is visited on Christmas Eve by a "portly gentleman, pleasant to behold," who requests a contribution for the needy in keeping with the Yuletide spirit.

"The Treadmill and the Poor Law are in full vigor, then?" said Scrooge.

"Both very busy, sir."

"Oh! I was afraid from what you said at first, that something had occurred to stop them in their useful course," said Scrooge. "I am very glad to hear it."

This has an unmistakable flavor of the times, but it was more the stultifying practices in the courts of common law and equity which Dickens made his principal concern.

Actions at common law were commenced theoretically by the issuance of an original writ whose appropriate selection was a matter of great importance. In *Pickwick's* case a *capias ad respondendum* was resorted to in the first instance instead of the original writ, in accord with common practice of the time. In this way considerable delay and expense were avoided. But why was it that instigating an action had become so complex and devious? One reason suggested by commissioners reporting on the courts in 1829 was the encroachment by the courts of Exchequer and King's Bench on the domain of Common Pleas.

If beginning an action was encumbered by old rules, trying a cause was in no way less so. Holdsworth points out that in *Bardwell v. Pickwick* the parties to the action were unable to testify because of the rule of Evidence excluding testimony by interested parties. This notion was done away with by statute in 14&15 Victoria, c. 99, No. 2, but not in time to save the defiant *Pickwick* from a sojourn in the Fleet Prison. There he was joined by the former plaintiff herself, Mrs. Bardell, who was taken in execution on *cognovit* for costs by Dodson and Fogg. Faced with *Pickwick's* refusal to pay, those subtle practitioners had induced their own client to sign for the amount of costs, "just as a matter of form." And of the Fleet itself, that iron cage for debtors, Dickens and "Phiz," his illustrator, made unforgettable portraits.

Chancery practice in its turn was so hopelessly unfit that Dickens wrote an entire book about it. "Bleak House" is a monument to mediaeval office, dilatory procedure, petty fee-grabbing and jurisdictional inflexibility. On the question how trusts under a certain will are to be administered, party after party is drawn into the case of *Jarndyce v. Jarndyce*, which ends many years later with the entire estate absorbed in costs.

Despair and ruin attend the litigants, but on top of the rubbish heap are legal experts of the type of Mr. Tangle, who "knows more of *Jarndyce and Jarndyce* than anybody. He is famous for it—supposed never to have read anything else since he left school." And Dickens' description of a London fog pictures equity practice in haunting terms:

"The raw afternoon is rawest, and the dense fog is densest, and the muddy streets are muddiest, near that leaden-headed old obstruction, appropriate ornament for the threshold of a leaden-headed old corporation: Temple Bar. And hard by Temple Bar, in Lincoln's Inn Hall, at the very heart of the fog, sits the Lord High Chancellor in his High Court of Chancery." *Res ipsa loquitur*.

RICHARD WINCOR, 3L.

BRINE'S

HARVARD SQUARE

MASS. AVE.

MERRY XMAS

Make your shopping painless

MOTHER	FATHER	SISTER	BROTHER
DRESSES	GOLF	SWEATERS	SKIS
SCARFS	TENNIS	HOODS	SKATES
GOLF	SWEATERS	GLOVES	ARCHERY
TENNIS	JACKETS	SOX	BOXING

And that special gift for "HER"

Come in and browse around

DALTON-ELCOCK BAR REVIEW

Course for candidates taking the December bar examination begins October 20, 1947 at the Portia Law School, 45 Mt. Vernon Street, Boston, Mass.

Lectures will be given Monday, Wednesday and Thursday evenings from 6 to 9.

For information call or write:

DALTON-ELCOCK BAR REVIEW

10 Post Office Square
Room 715
Hancock 2850
Boston, Mass.

This course has been approved under the G. I. Bill of Rights.



Our worsted suits at
Fifty-five

The toughest wear and tear
Survive.

HUNTER HAIG

OPPOSITE THE LAMPOON

SQUASH RACKETS

Largest Variety in New England

TENNIS & SQUASH SHOP

67A MT. AUBURN ST. CAMBRIDGE
Opp. Lowell House — Tr. 5417

JIM'S PLACE

30 DUNSTER STREET

FAMOUS FOR CHOPS
STEAKS, SEA FOOD

Complete Dinners .50 - 2.00

Visit our new Cocktail Lounge

Complete Air Conditioning

N. Y. BAR APPLICANTS

BAR PROBLEMS: Analysis - Approach - Style

Why do so many GOOD students (who know the law) nevertheless fail to pass the Bar Examination?

Because of: (1) Improper Analysis; (2) Poor Style of Writing Essay Answers.

For years, the CLINICS have successfully concentrated upon the teaching of a TECHNIQUE of APPROACH-ANALYSIS AND STYLE

Inquire of
Bernard Axelrad
Student Representative

KASS PROBLEM ANALYSIS CLINIC
(or) 76 Beaver St., New York City

Catering to the car needs of Harvard men for 20 years

FRANK ELBERY

THE ELBERY MOTOR Co., Inc.

(authorized dealer)

sales

FORD

service

offers complete service facilities including a modern body, fender and paint shop to put your Ford, Lincoln or Mercury in first class condition.

360 RIVER ST. (near corner of MEMORIAL DRIVE, Cambridge)
TEL. KIRKLAND 3820-21-22

NECKWEAR . . . HOSIERY . . . GLOVES
SUITS . . . SPORT COATS . . . TROUSERS
CUSTOM CLOTHES . . . TUXEDOS . . . TUX SHIRTS

Merry Christmas

TEDFORD-HARVARD-INC.

1410 Mass. Ave.

Harvard Square

SHIRTS . . . SPORT SHIRTS . . . SWEATERS
OVERCOATS . . . TOP COATS . . . RAIN COATS
ROBES . . . PAJAMAS . . . MUFFLERS