

The Harvard Law School Record

VOL. 6 NO. 10

CAMBRIDGE, MASS., WEDNESDAY, APRIL 21, 1948

PRICE TEN CENTS

NEWS IN BRIEF

DEAN ATTENDS COLUMBIA DINNER

Dean Erwin N. Griswold attended the annual banquet of the Columbia Law Review at the Hotel New Yorker in New York City on April 16, 1948. Other speakers at the dinner were United States Solicitor General Perlman and Mason H. Bigelow, President of the New York State Bar Association.

LAW REVIEW ELECTION

Harry F. Weyher 3L (University of North Carolina 1946), was elected Treasurer of the *Harvard Law Review* on Thursday, April 15. He replaces Francis J. Vaas 3L (Holy Cross 1938).

STUDENT BOARD MOVIE

"Case In Point," the Student Board's legal research film which was shown here in February, is currently being exhibited at the University of Valparaiso Law School. During the last two and a half months the film has been sent, on request, to the Legal Education Committee in New York City and to five law schools for four-day periods each. The law schools, which exhibited the educational film to their entire student bodies, are the University of Texas, Northeastern University, University of Wisconsin, Baylor University, and University of Kansas City.

Three more law schools have asked for the movie, and they will receive it within a month. They are the University of Buffalo, Newark College at Rutgers University, and University of Washington.

AMES COMPETITION AWARDS

The recipients of prizes in the Second Term Ames Competition were announced this week by Roy Tolles 3L, head of the Board of Student Advisers. Jerome L. Sindler 1L, of the Burton

(Continued on page three)

PROFESSORS TO VACATION THIS SUMMER

Plans Will Include Traveling, Lectures And Book Writing

Twenty-two members of the teaching staff at the Law School will be on vacation during the summer term. This is in accordance with the policy of allowing professors to take a vacation every third term, whenever possible, during the continuance of the accelerated program, so as to make the teaching load correspond to prewar years.

The complete list of those who will not be teaching here this summer includes: Dean E. N. Griswold, Vice Dean Livingston Hall, Ralph J. Baker, Robert R. Bowie, Robert Braucher, Andrew J. Casner, Richard H. Field, Lon L. Fuller, Sheldon Glueck, Mark DeWolfe Howe, Manley O. Hudson, Benjamin Kaplan, Milton Katz, W. Barton Leach, Calvert Magruder, John M. Maguire, Edmund M. Morgan, Soia Mentschikoff, Thomas R. Powell, William L. Prosser, Austin W. Scott, and Warren A. Seavey.

Harvard will be represented on the University of Minnesota teaching staff this summer where Professor Prosser will teach Bills and Notes. Also taking a busman's holiday will be Professor Braucher, who will lecture at Northwestern on Sales. Professor Scott will lecture for two weeks at the Rutgers University Graduate School of Banking, instructing representatives of various Trust Companies in the Law of Trusts. He and his wife will then spend some time in the Hawaiian Islands.

Book-writing will claim part of the vacations of several professors. Professor Casner will continue working on his Property 1 casebook which he is writing with Professor Leach, and will also spend time on a Property treatise of which he is editor-in-chief. Professor

(Continued on page three)

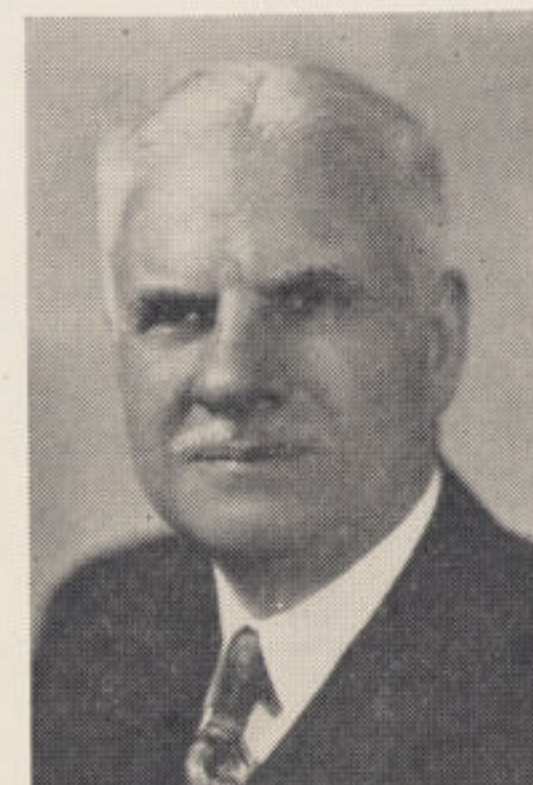
O'MAHONEY, SCHLESINGER, ISACSON, KEM, BREWSTER, SPEAK AT FORUM



REPRESENTATIVE LEO ISACSON



PROFESSOR ARTHUR M. SCHLESINGER, JR.



SENATOR JAMES P. KEM

Four members of Congress and a Harvard professor, representing all of the major parties, will engage in an open political discussion on the topic, "Which Party in 1948" in this year's concluding Harvard Law School Forum this Friday at 7:45 p.m. in Rindge Tech Auditorium in Cambridge.

Modern Machines For Legal Research Would Increase Lawyer's Efficiency

BY PROFESSOR JOHN M. MAGUIRE

To be well organized a profession must enable its members to get at technical information fully, easily, and quickly. American lawyers have met this demand comparatively well. Trained to the art of building case on case, and hence deeply conscious of the importance of finding judicial precedents, they created and are supporting an elaborate system of digests, citators, annotated decisions, services, and encyclopaedias. Habitually bad advertisers, the lawyers rarely explained their research apparatus to other professional men. So the learned callings in general did not build up comparable systems.

This may now prove a blessing in disguise for the world of arts and science. Legal digesting and collating devices are worse overloaded every year, and hence steadily losing efficiency. More adequate information servicing can be had from new-fangled business machines with their punched cards, tapes or wires, and microfilms. Historians are talking of a universal compendium of history, coded and mechanized; chemists plan a similar device for their science; government officials consider a machine-managed compilation covering many million technical items prepared under pressure of war; and librarians entertain even more comprehensive mechanical possibilities. They do this with large intellectual freedom because less tied than lawyers by commitment of capital and

habit to old-fashioned indexing and digesting. This is a case where the last may suddenly become first.

The preceding paragraph bristles with assumptions, some clearly sound, some debatable. Taking the lawyers' point of view, these assumptions group themselves under two heads:

1. Assumption as to the high capability of machines in ferreting desired items of information out of legal stockpiles. As to speed, of course, a sorting machine can run circles around a man working with an ordinary digest or citator. It could make the volume of decisions, statutes, regulations, rulings, legal commentaries, and other lawyers' data manageable instead of overwhelming. It cannot avoid the risk of human error

(Continued on page three)

DEAN REVEALS NEW COURSES

Soviet and Comparative Law Classes Scheduled

Two new courses in Comparative Law have been added to the Law School curriculum in the third year, Dean Griswold has announced. One, to be taught in the Fall of 1948, will be a comparison of Soviet and American Law, while the other, scheduled for the Spring of 1949, will cover the development of American law using the comparative historical method. Both will be given two hours a week.

Harold Joseph Berman, M.A., LL.B., Visiting Professor of Law, will lecture in both courses. He is serving under a joint appointment in the Law School, in the International and Regional Studies Program, and in the Russian Research Center.

The course covering Soviet and American Law will discuss the nature and function of law in Soviet Russia as compared with the United States, with an analysis of corresponding problems of the two, especially in the fields of family law, criminal law, property and contracts; emphasis will be placed on the role of the Soviet "plan" as compared with American "public policy."

In his course on the comparative-historical method, Mr. Berman will lecture on the development of American law as compared with other legal systems, past and present, placing emphasis on the problem of change and continuity. Critical issues of current American law as seen in historical and comparative

(Continued on page four)

Survey of Pennsylvania Law School Reveals Many Changes, Innovations

From time to time the *RECORD* has published surveys of various law schools. In previous issues, Yale and Northwestern have been covered. The present report is on the University of Pennsylvania Law School.

The first thing that impresses an outsider at the University of Pennsylvania Law School is the firm conviction among its students that the school's brightest days are in the not too distant future.

In a way this is surprising, for the men that give the University of Pennsylvania Law School its top ranking scholastic reputation are either gone or only nominally connected with the school. Two of its former professors of wide renown, Dean William E. Mikell, and Francis H. Bohlen, are dead. Judge Herbert F. Goodrich, past dean of the Law School, and Professor John Dickinson of Constitutional Law fame, only find time to teach occasionally. Yet students and alumni look optimistically at Penn's future, primarily because of their faith in Dean Earl G. Harrison's administration.

Dean Harrison's reputation does not stem in the main from his scholarship, but rather from the fact that he is a top-notch administrator who has long been active on the national scene. He is a former U. S. Commissioner of Immigration and Naturalization, and is the author of the Harrison recommendation, adopted by President Truman, advocating the request to Great Britain for the admission of 100,000 of Europe's Jews to Palestine, a recommendation subsequently confirmed unanimously by the Anglo-American Commission of Inquiry. Re-

cently Mr. Harrison was appointed to the President's Loyalty Review Board.

In the few years that Mr. Harrison has been Dean, changes have not been infrequent. Heretofore Penn had been troubled by the fear of being classed a "local school." Most of its students came from Pennsylvania and the nearby New Jersey areas. With a few exceptions, such as former Justice Owen J. Roberts and former Senator George Wharton Pepper, both of whom were Professors of Law at Penn for a number of years, alumni were far more prominent locally than nationally. In recent years, however, the school has spread its wings. Its placement system has improved its out-of-state connections, and Dean Harrison and alumni have toured the country to spread the school's name and erase any fears of provincialism.

Like most schools after the war, applications for admission to Penn were heavy. Naturally this resulted in a more selective student body. In spite of this, the amount of failures in the class that entered in the fall of 1946 was between 20 and 21 percent, and for those that entered in the spring of 1946 it was in the neighborhood of between 15 and 16 percent. Although this is somewhat lower than the prewar percentage at Penn, the figure is remarkably high for veteran classes. Some Penn students explain it by saying that the school is seeking a reputation for scholastic difficulty somewhat in line with Professor E. H. Warren's well known admonition: "Look at the man to the right of you, look at the man to the left of you,—one of you

(Continued on page four)

Two Harvard Law School graduates—Senator Owen Brewster of Maine and Senator James P. Kem of Missouri—will set forth the election issues in this year's campaign from the Republican point of view. Brewster and Kem were classmates while at the Law School in the class of 1913. Since 1917 Senator Brewster has been a member of both houses of Congress. He has figured prominently in the Senate investigation of the war program. Senator Kem won his seat in the 1946 elections, after having been a successful Kansas City attorney.

On the Democratic side, Senator Joseph O'Mahoney of Wyoming will speak in behalf of the policies of his party. Senator O'Mahoney served as chairman of the Temporary National Economic Commission, established by Congress in 1938 for a six-year term to study the concentration of economic power in the United States. The TNEC reports are well known to students taking the course in Government Regulation of Business.

The fourth Congressional member is Representative Leo Isacson, Henry A. Wallace's candidate, who won a hands-down victory on February 17 in the Bronx, N. Y., special Congressional election. Isacson will set forth the plans of the Third Party.

Completing the program will be Harvard's young associate professor of History, Arthur M. Schlesinger, Jr. Professor Schlesinger, a national leader of the Americans for Democratic Action, achieved nationwide fame in 1945 with

(Continued on page four)

'13 REUNION WILL BE HELD IN JUNE

The 35th Reunion of the Harvard Law School Class of 1913 will be held in Cambridge during the weekend of June 11, 12, and 13. The initial meeting and registration will take place in a building to be designated in Harvard Yard. The Committee has planned a well-rounded weekend get-together including golf, tennis, luncheons, tours and a Class Dinner. Among the prominent members of '13 are Senators Taft of Ohio, Brewster of Maine and Kem of Missouri and Professors Chafee and Dodd of the Harvard Law School.

On Saturday, Professor Zechariah Chafee, Jr. will give a luncheon at his home for class members and their wives. Among the expected guests are Professors Williston and Scott. In the afternoon a tour of the Law School and a trip to points of historical interest near Boston will be made. In addition, facilities for morning and afternoon golf and tennis will be available. A Class Dinner at the Harvard Club of Boston and a Dinner for Wives at the Algonquin Club will conclude Saturday's program.

(Continued on page four)

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.

MILES G. WEDEMAN President
JEROME SHESTACK Editorial Manager
LESTER J. TANNER Business Manager

EDITORIAL BOARD

HOWARD MONDERER News
ALVIN SILVERMAN Features
JOSEPH SCHURMAN Current Case
RICHARD HOLMAN Articles
ARTHUR S. FRIEDMAN Alumni-Gallery
SIDNEY ROTHSTEIN Comment
PAUL J. KIRBY Secretary

BUSINESS BOARD

RICHARD M. CHAPMAN Advertising Manager
ISADORE M. MACKLER Treasurer

STAFF

George Benedict, William P. Cunningham, Stanley R. Evans, Eugene J. T. Flanagan, Eli Goldston, Loren E. Juhl, Milton P. Kayle, Herbert Lasky, Jules Levinson, Joseph P. Logan, A. Byrne Litschgi, Bernard Marcus, Walter J. Myskowski, Nathaniel B. Taft, Saul Touster, Jerry Wagner, Dick Winor, Richard Wolford, Harvey Greenfield.

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

This Friday night the Harvard Law School Forum brings to an end its second season of open meetings. In the course of its two years of operation, the Forum has brought to Cambridge many speakers who have thrashed out on the platform some of the critical problems which confront us as citizens today.

In a sense the Forum mirrors the shift in emphasis which has been noticeable in the field of legal education since the end of the war, an emphasis which has stressed the social background of the law. Last week we had occasion to comment on the work of the Lawyers Guild in this respect. The Forum while not participating directly in the educational routine of the School, has nevertheless provided the opportunity for the prospective lawyer to evaluate the legal problems which he will face in practice, against the background of diverse and often clashing viewpoints propounded on social policy, which viewpoints will often find active expression in positive law.

The very fact of the Forum reminds us once again of the obligation of the lawyer as a member of the community. The lawyer is the practitioner in a craft, which is used as an engine of political, economic, and moral policy, and his skill and usefulness as a lawyer is increased the more he is aware of the forces which go to make up that policy at any one point in time. While a close reading of newspapers and other topical material provides continuing reference on the adjustments of these forces, the give and take of a Forum enables the student to measure up and test, in an active way, his own position against that of persons who take direct issue with his own premises. Thus, the Forum serves as an introduction to the problem the lawyer meets as a person of responsibility and influence in the community.

The most successful of the Forums have been those where the very assumptions of social thought have been explored. The Forum at which Reinhold Niebuhr spoke comes to mind. The less rewarding meetings have been those where the speakers have merely tended to repeat a point of view rather than outline the groundwork for their position. It was perhaps for this reason that the discussion on machine politics did not live up to its promise. However this is a minor criticism in what has been a worthwhile and well-executed project.

A new feature of the work of the Forum this year, the weekly "On Trial" broadcasts, has underlined the responsibility of the lawyer to the community by presenting well argued cases on certain specific issues which only too often receive hasty and emotional treatment.

The Forum can look back with pride upon the job done so far, and, with the experience gained to date, look forward to the performance of a valuable service to the Law School in the future.

M. W.

Letters to the Editor

To the Editor of the RECORD:

The paragraph of your editorial on April 6 dealing with "teaching methods and approaches" provokes me to state my opinion that within my experience the teachers of the School have virtually ceased to teach law by detailed study of particular cases. The teachers of two of my first-year courses required cases to be stated correctly. In the other courses cases were stated badly, with the resigned acquiescence of the

teachers, or not at all. Of my second-year courses cases were regularly stated in one course (taught by a visitor) and in the first half of a second course. The form of stating cases was usually observed in a third course. In all the rest (including a course which I was able to drop) not even the form was observed.

The reasons why students should be required to state cases are well known and I shall not repeat them. The reasons why students are not required to state cases fully and properly are now and again dignified into principles; but I think that the spring behind all of them is the aversion of the teacher to taking pains with the student, to continuous mental contact with the student, to prodding the lazy thinker, leading on the average thinker, tripping up the good thinker. This aversion shows itself also in those courses in which there little or no discussion, but only lectures or less formal monologues which reduce prospective professional men to inaccurate and desperate secretaries. In other courses there is discussion; yet its value is questionable without assurance of a common denominator of some information which the class knows in some detail.

Perhaps the case system should be supplemented. Perhaps the great burden of preparing a case thoroughly enough to recite upon it adequately should be lightened by reducing the number and specifying the names of those cases for which such preparation is asked. Many cases are hardly worth stating, because they present no intellectual problems. These considerations, however, should not obscure the need which I think is deepest in a law school because it is the need which a law school is best able to fill—the need for a lawyer to be able to read a case, get it absolutely straight, and set it in proper relation to other cases. I am not convinced that the School now fully acknowledges this need. Rather, it seems as though the School were overreaching itself in trying to absorb into its curriculum elements of legal training which belong in a lawyer's office or in a courtroom.

GEORGE N. PRINCE, 3L.

Off the Record

Pre-Exam Student

Behold the Pre-exam Law Student. Be careful children—Do not pet him lest you catch the dreaded examiensis jitters! Notice that he has developed a stutter, a trembling of the hands, lips and eyelids, facial twitches, a lapse of memory, and other nervous disorders. And all just before exams. You see Children, he was all set to review his courses when the naughty Professor decided he wanted to finish all of the remaining half of the casebook in the last three weeks. Run, little Children, run. Here comes another law student. When in groups their misery increases and they are especially dangerous. Here come the Med Students to take them away.

PUBLIUS

The Professor

Behold the Law School Professor. Is he not pretty? He has just finished giving a Student Forty Lashes for getting a 62 in his course. Now he will send him to the Vice-Dean who has the Salt. Is that not Equitable? The naughty Student has only studied 22 hours every day and Deserves it. Do not pet the Professor, Children, or he will bite your arm off up to the Axilla. Run, little Children, run, or the Professor will Smile at you and turn you all to Stone.

PUBLIUS

In Defense of the Case System

There's a wonderful man who sits right next to me

In the catalogue course that they call Equity. Though he doesn't take notes he sure does take his ease,

All that confidence contrasts with my rubb'ry knees.

He's never baffled when P. V and D

Are mumbled or fumbled—or at least for me—

His knowledge of Law is apparently vast

Quite possibly he is the best in the class.

He can cite cases we covered in Contracts.

When he recalls them, it's not just the "odd" facts, But arguments, reasons, conclusions of law, And names of the judges, of counsel and all.

Just one thing disturbs be 'bout good old Jack,

He's always so way the hell off the track.

Never Too Young

S. P. who is still somewhat shaken over the matter, swears on a stack of Morgan and Maguire's Cases on Evidence that while studying for his Evidence exam he overheard the following exchange between his little daughter Andrea and her four-year-old playmate, Peggy, also a legal eagle:

Andrea: "You can't play in my yard anymore."

Peggy: "I don't want to play in your yard 'cause I'm mad at you. And I hope your daddy gets all C-minuses, so there."

S. P. has attacked Evidence with renewed determination.

Gallery

MARCUS C. SLOSS

Class of 1893

Some four centuries ago, Montaigne wrote in his *Essays*: "The great and glorious masterpiece of man is to live to the point." Few men have more fully taken to heart Montaigne's advice than Marcus C. Sloss of the San Francisco bar. Born in 1869, he received his A.B. from Harvard College in 1890 and his A.M. and LL.B. from Harvard Law School in 1893. In 1901, he was elected to the Superior Court in California and five years later was elevated to the State Supreme Court. In 1919, Judge Sloss (as he is still known by his friends and associates) resigned to re-enter private practice. Since then, he has continued to lead a busy and satisfying career, finding time to act as Pacific Coast Maritime Arbitrator, a Trustee of Stanford University, and during the war, a member of the Regional War Labor Board.

Seated in his office on California Street in downtown San Francisco, Judge Sloss is a fascinating compound of youthful verve and matured resourcefulness. His fund of reminiscences competes strongly with a fresh outlook on the solution of tomorrow's problems. As President of the newly-formed Harvard Law School Association of Northern California, Judge Sloss provides a link between the Langdell generation of Harvard trained lawyers and the more recent Pound-Landis vintage. The memories of his Law School days have remained vivid and fond. "When I was studying in Cambridge," he recalled, "Langdell was still Dean. The case system of instruction was fully established and flourishing. But Langdell's contacts with students were becoming increasingly less close as his eyesight was very poor and he could not see more than a few feet before him. He had founded the case system, but in his classes on equity, mortgages and suretyship, he had to rely on lectures, though these were based entirely on the cases. But the various men whom Langdell had brought to the Law School were all using casebooks."

The portrait of John Chipman Gray was hanging above Judge Sloss as he spoke about those who had taught him. "Gray gave Property I, II and III on Mondays and Tuesdays. The rest of the week he practiced law in Boston. But when Gray was in Cambridge, he had a desk in the reading room where he was always readily available." Among the others from whom Judge Sloss had instruction was James Bradley Thayer, famed authority on Evidence, who not only taught that subject, but also Sales and Constitutional Law. "Thayer was a man of great distinction and ability with a great charm of manner." Samuel Williston was just beginning his distinguished teaching career in Judge Sloss's first year and used Langdell's casebook on Contracts. With Joseph Beale, Judge Sloss had no association. He has vague recollections that Beale gave a special course on Damages, consisting of six lectures. Jeremiah Smith, who had been on the Supreme Court of New Hampshire, taught Torts. James Barr Ames, later Dean, gave the courses on Partnerships and Trusts.

Judge Sloss recalled that his classmates had a feeling of personal affection for Ames, who was a very kindly man. "Ames had," he continued with a grin, "a definite idea about what the law was, and, if the courts did not agree with his ideas, it was too bad for the courts. For instance, Ames expounded the 'entity' theory of partnerships in his classes. I don't think many judges had ever heard of it, even if perhaps it was a better theory."

"The total student body in 1890 was somewhat over 250. The classes were conducted entirely in Austin Hall. The upstairs reading room was the library, and each student had a place assigned to him. It was pleasant studying when the fire was burning briskly in the huge stone fireplace on a cold winter's day. The size of each class varied but it was never too large." Judge Sloss paused and then suggested that today's larger classes, possibly make for less efficiency, especially when they are split up into sections. Apropos of the present-day concern with grades, he commented: "The students never received individual course grades; they were merely notified at the end of the examination period whether they had passed or failed. The only way of knowing the top man in the class occurred in June when this individual was given a speaking role at the commencement exercises. The *Law Review* was in existence but much less formally organized than it is today. Nor was the selection of its members so directly connected with grades, being more in control of the editors. The law clubs were also functioning, but were not so well developed as they are now—neither so many nor having their present importance."

Turning from his Law School recollections, Judge Sloss emphasized the importance and value of the legal profession to the community at large. "Lawyers should improve the administration of justice by entering into organized bar activities." He himself has for many years been an active member of the American Bar Association and

Sub Judice

PURCHASER OF DOUBLE EAGLE GETS BIRD FROM COURT

For \$900 a fellow coin collector sold Barnard a "double eagle," or \$20 gold piece, dated 1933. Since this was the only 1933 double eagle in the hands of the public, it was of great value to a numismatist. A large quantity had been struck, but never issued, during the bank holiday of 1933. When the United States went off the gold standard, the President ordered that the coins be destroyed. In order to insure that none should be pilfered and thus reach the general public, the sacks of coins were weighed before and after melting; the weights tallied exactly. This was an action of replevin by the Government as true owner to recover the coin. *Held*: for the Government. The coin did not leave the mint as lawfully issued money; therefore, the rule that a holder in due course takes good title to money is not applicable, and the coin is to be treated as any other chattel. The Government proved to the satisfaction of the court that it had been stolen by one of the mint employees, who, before the coins were melted up, had substituted a double eagle of an earlier date for the one in question. Since Barnard, even if a bona fide purchaser, could take no good title through a thief, the Government was entitled to immediate possession of the coin. *United States v. Barnard*; 72 F. Supp. 431 (W.D.Tenn. 1947).

NEWPORT, KY., MUST LAY UP TREASURE IN HEAVEN

Beierle, a public-spirited citizen of Newport, presented a petition for a city tax on slot-machines and bookmakers. Both are illegal in Kentucky, but it appears that Newport has not been strict in enforcing the state laws. In fact, Beierle estimated that such a tax would bring \$400,000 a year into the city coffers. He asked the court for a mandatory order to compel the city council either to adopt his proposed ordinance or submit it to a popular vote. *Held*: Beierle's petition was correctly denied, since the city had no power to tax a thing unlawful in itself. The court pointed out: "While it would appear to be a great thing to collect taxes of \$400,000 annually . . . yet it must be remembered that it was written many years ago that man shall not live by bread alone. And so we are now writing that a city shall not live by its tax revenue alone. . . . Ordinarily, where a city's treasure is found, there may its heart be found also. Pittsburgh's heart is in its steel industry, Detroit's in its automobile industry, Reno's in its divorce industry. . . . If Newport has no treasure in illicitness, then its heart should not tend to lie in that direction. In the age-old battle between dollars and decency, the latter must prevail in governmental attitude if ever the people are to see the golden age of a Pericles rather than the fiddling of a Nero amidst the burning embers of a decadent Rome." (*Beierle v. City of Newport*, 204 S.W.2d 806—Ky. 1947).

Notes on Recent Cases

INSURANCE—CHANGE OF BENEFICIARY

Gann v. Meek, 165 F. 2d 857 (1948). Corporal Ervin's Marine company arrived at Saipan just after the fighting had reached its height in June, 1944. He had a regular National Service Life Insurance Policy, originally payable to his mother as beneficiary. He had married Odena in 1943 and had then gone through the formal steps necessary to make her the beneficiary. Ervin was killed in action just before the summer of 1944, but in April he had written a letter home to his brother, admittedly genuine, that "I did change my Insurance if anyone gets it Mom will get it all." Now Ervin's mother brings this action to determine the ownership of the insurance proceeds, basing her claim on (a) the letter of April, 1944, (b) testimony of another Marine. Everything in the Saipan area was in a state of confusion, he said, and mail service was irregular and unreliable. It appears that no word concerning the change of beneficiaries ever reached the government authorities.

The jury found for the mother and the Trial Court accordingly gave judgment. *Held*: Affirmed. This was at least a jury question, and while intention alone is not enough to effect a change of beneficiaries of an insurance policy, here there was abundant evidence that the insured soldier had done all he could to comply with the provisions of the policy. "Justice requires that we make equitable rules in order to give effect to a plainly manifest intent."

was at one time on the Board of Governors of the California State Bar. Efforts should also be made, he thought, to elevate the quality of the judges on the bench. Contrasting the appointive system and the elective system, he is not so convinced as he was nearly 40 years ago that appointment of judges is necessarily better than their election. And in answer to a final query whether young lawyers should enter political activities, his reply was a quick and emphatic "Yes!"

FELIX F. STUMPF LL.B. '41

RESEARCH—(Continued)

in preparing index or digest material. But a proper sorting machine could minimize a second and serious risk of human error which has to be taken over and over again when using a bound digest. A machine does not get tired or lazy or inattentive. By the same token, machines could free lawyers from one of the most toilsome and least rewarding tasks of their calling, giving more time and energy for the sort of legal work which only human brains can accomplish and which we are assured is not now being adequately performed. The true function of the lawyer is to plan and act, not to scabble in the stockpile for information.

2. Assumptions as to the practicality of machines for legal research. Given a stockpile of recorded data, engineers can be relied upon to devise any machine required to ferret through it. The profession and its publishers can produce the stockpile, although they may wisely modify some of their current methods of indexing and digesting. But will the apparatus cost too much, and will it take up too much room? Only in part may these questions now be answered positively.

a. An individual lawyer can already obtain simple devices for handling punched card systems of moderate size, if he makes his own cards. Such a system would serve to cover an office specialty—e.g. all the personal injury cases in a selected State, or all the insurance laws, regulations, rulings, and judicial decisions in that State. Bulk would be slight. Operation is easy. Preparation of cards would become a short job if the West Publishing Co. arranged to issue unbound sheets of digest paragraphs, printed on one side and coated with adhesive on the other. Cost need not be excessive.

b. A general mechanized index-digest, prepared for marketing on a commercial basis, is something else again. Cost, and quite likely bulk, would put it out of reach of any private law office save the very largest. It must be typi-

cally a law library tool. For such use, exceedingly high speed of operation would be demanded. Furthermore, since the master file of cards, tapes, or microfilms would have to be kept intact near the sorting or selecting apparatus, some scheme of duplication is required. For example, the library might have a large separate file of facsimile cards for circulation; or photographic reproductions might be made from the master file; or an arrangement for automatic typing of copies is conceivable. Machines for such jobs are planned and being moved toward production. It seems likely that they will cost at least \$25,000. That estimate gives pause. Of course there would be offsetting savings. The stockpile of such an information service need not be completely reproduced annually, as are some of our most used loose-leaf services. Material would carry over from year to year, with permanent additions made currently. And the profession would find it worth while to pay for economy of research time.

c. As an opening large-scale experiment, a mechanical index-digest in some particular legal topic of great importance suggests itself. Federal taxation, already so far developed by loose-leaf, offers a tempting field. Numerous law offices and many law libraries could well use and well afford this kind of tax service. Service offices might be set up as independent professional units in office buildings housing law firms. A law publisher might offer service in response to mailed or telegraphed requests. Experience of users, if encouraging, would guide gradual expansion into other legal areas such as labor law or administrative law. In course of time the type of service might become comprehensive by evolutionary growth.

The foregoing outline is scraped down to bare bones. Descriptions of business machines and coding devices are easily obtainable, and at this time consideration of the general idea is more important. The outline suggests cautious optimism. It is also intended to be provocative. Professional discussion should test out the suggestion.

SEMINAR OPEN TO RESERVISTS**Navy Offers Training In Legal Procedure**

A two weeks' seminar in Naval Justice will be offered at the Naval Gun Factory, Washington, D. C. during the period June 7 to 19 by the Commandant, Potomac River Naval Command. The course is open to officers of any classification provided that they have or are working toward degrees from an accredited law school and are presently residing within Naval Districts east of the Mississippi River.

The purpose of the seminar is to keep officers of the inactive reserve abreast of current trends in naval law by reviewing basic legal principles, and the rules of evidence and procedure as applied to naval subjects. Among the classes offered will be an Introduction to Naval Law, Disciplinary Powers of the Commanding Officer, Naval Judiciary Proceedings, Charges and Specifications, and Evidence.

Applications should be made at once on official forms and should be forwarded directly to the Commandant of the applicant's home district, with one copy to the Judge Advocate General and another to the Commandant, Potomac River Naval Command. This last copy should state whether government or outside quarters are desired. An affidavit, NRB Form 70, stating that the applicant is not drawing disability pay must accompany the application. Official forms may be viewed at the receptionist's desk in Langdell Hall. The uniform of the day will be optional, khaki, grey, or blue.

First Naval District applications should be forwarded to Commander Roger E. Perry, USN, District Legal Officer, First Naval District, 495 Summer Street, Boston 10, Mass. Any information desired about the program may be secured by direct communication with the District Legal Office.

NEWS BRIEFS—(Continued)

Club, received the award for the best oral argument; Robert N. Shamansky of the Taney Club won Honorable Mention.

The prize for the best brief was awarded to Theodore N. Goble, Jr. 1L, and Harry B. Reese 1L, of the Taney Club. Those who received Honorable Mention for the next best brief were Frank A. Howard 1L and James C. Gibbens 1L of the Powell Club. Irwin Schneiderman 3L, of the Taney Club, will receive an award as Supervisor of the club with the highest average.

BRIDGE TOURNAMENT

Tonight at seven o'clock in the third-floor rooms of Phillips Brooks House there will be a Law School duplicate bridge tournament. Any student in the School and any mixed couples with current law school affiliation are invited to participate. Those who desire to play are requested to sign the lists posted on the informal bulletin board in Langdell South. The schedule of future tournaments will depend upon the support given this evening's program.

LOST AND FOUND

The Forum asks that the person who mistakenly exchanged the overcoat of Senator Dennis Chavez for his own either telephone (KI 7-7600, extn. 139) or go in person to the office in Gannett House.

Alumni Notes

LL.B. '13, S.J.D. '32—*Harold M. Stephens*, Associate Justice of the United States Court of Appeals for the District of Columbia since 1935, was nominated by President Truman to the Chief Justiceship of that Court on January 30, 1948. The nomination was confirmed by the Senate on March 2, and the oath of office was administered by Chief Justice Vinson of the Supreme Court on March 9.

LL.B. '31—*Frederick A. Ballard* has joined in the formation of a new partnership under the name of Kilpatrick, Ballard & Beasley with offices in the American Security Building, Washington, D. C.

LL.B. '34—*Edgar W. Hatfield* has withdrawn from the firm of Gifford, Woody, Carter & Hays of New York City. He had been associated with them since his graduation and had been a partner since 1942. He is in single practice now, associated with William Pitt Mason, Jr., with offices at 103 Park Avenue, New York City.

LL.B. '42 ('46)—*David Olds*, who has been with the firm of Duane, Morris & Heckscher in Philadelphia, is leaving to become associated with Reed, Smith, Shaw & McClay, 747 Union Trust Building, Pittsburgh. Three other members of his class, *Carl E. Glock, Jr.*, LL.B. '42 ('46), *Donald B. Heard*, LL.B. '42, and *Henry P. Hoffstot*, LL.B. '42, are also associated with the latter firm.

Olds served on the first Editorial Board of the RECORD as Alumni Editor.

"This crisis a vise is I'm grabbit in!"
Said Angus the Aesthete from Aberdeen.
"The barrel is thrifter
Apparel, but niftier
Is the soft-tailored HUNTER HAIG gabardine!"

\$58 THE GABARDINE SUIT



HUNTER HAIG
OPPOSITE THE LAMPOON

GOLF CLUBS

MacGregor's
Ben Hogan
Matched Clubs

Bristol's
Champions
Autographs

Irons from \$6.95 up
Woods from \$9.00 up

TENNIS SUPPLIES

Complete Racket Selection from \$6.00 up
(We Specialize in Restrung Rackets)

1870

BRINE'S

1948

HARVARD SQUARE

Attention

LAW GRADUATE GOWNS \$3.00

If you plan to rent a cap and gown through the Coop, your order must be placed before May 1st. Cancellation of orders will be accepted through May 31st.

The COOP

LAW OUTLINES

HARVARD BOOK STORE

19 Boylston Street Harvard Square
next to Western Union

RACKETS RESTRUNG

ONE DAY SERVICE
Air Pressure Machine

TENNIS & SQUASH SHOP

674 MT. AUBURN ST., CAMBRIDGE

VACATION—(Continued)

Leach has several projects in mind including his Property 1 casebook and several chapters to be included in the Property treatise which Professor Casner is editing. Professor Howe will continue writing his biography of Holmes.

Two professors will work on courses they will teach in the Fall. Professor Katz will develop the details of a course on Legal Method and Public Policy which he will give at the Graduate School of Business Administration, in addition to doing some consultative work with an agency of the government. Professor Kaplan will do further work on Trusts, Contracts and Property.

Only one professor expects to visit Europe. Professor Glueck and Mrs. Glueck will attend the World Congress on Mental Health in London and will consult with various experts on juvenile delinquency and on the war crimes problem.

A few professors believe they will loaf more than work this summer. Professor and Mrs. Baker may drive around some of the countryside. Professor Morgan intends just to bask in the sun and tramp about along the beach at Nantucket. However, upon further questioning, he revealed that he may work on some essays on Hearsay. Professor Seavey will stay at Lake Winnepesaukee in Alton, New Hampshire, and insists that he will just loaf.

Professor Magruder will travel around the country with an Emergency Circuit Court of Appeals which has received renewed jurisdiction over rent control cases throughout the United States.

Dean Griswold and Vice Dean Hall will not be teaching any courses this summer, but it is expected they will stay close to the Law School.

Judge Hudson spent last summer lecturing at the Academy of International Law at The Hague, the Netherlands, attending a meeting of the International Law Association at Prague, and also meeting with the Institute of International Law at Nauchete. He has not yet made plans for this summer.

Professors Powell, Fuller, Bowie and Mentschikoff were unavailable for comment.

**SEERSUCKERS**

The comprehensive stock of sizes maintained by J. PRESS is a virtual headquarters for this hot weather specialty. Models, conforming to J. PRESS natural fitting specifications, feature:

Corded Cotton seersuckers in S. B. suits priced at \$20.50, in S.B. jackets priced at \$15.00

Corded Celanese seersuckers in S.B. and D.B. suits priced at \$25.50.

82 MT. AUBURN ST.

Corner Dunster

Cambridge

**DALTON-ELCOCK BAR REVIEW**

This review, preparing candidates for the Massachusetts Bar Examination, is given twice a year: October through December, evenings, and in June, days.

For Information Write:

DALTON-ELCOCK BAR REVIEW
10 Post Office Square
Room 715 Boston, Mass.

THE MISSES LITTLEFIELD

HARVARD SQUARE

PROFESSIONAL TYPISTS

4 Brattle Street

Tro. 7495

Harvard Square

Imported and Domestic Wines, Liquors, Cordials

HARVARD PROVISION COMPANY, Inc.

92-94 Mt. Auburn St., Cambridge — KI 7-6684

HOURS: 9 A.M.-9 P.M.—MONDAYS THRU SATURDAYS

ALL POPULAR BRAND SCOTCHES \$5.85 A BOTTLE

Calendar

LEGAL WORLD
Pitney Club

There will be a banquet for members and their wives in honor of the graduating members at the Coach Grille tonight at 7.

Kings Bench

The Kings Bench formal dance will be held at the University Club this Friday, from 8:30 p. m. to 1 p. m.

Gardner Club

The Gardner Club will hold a record dance at Kendall House, Friday at 8 p. m.

UNIVERSITY WORLD

Harvard-Yenching Institute

Faith and Art in Buddhism is the subject of an illustrated lecture to be given by Mrs. Nicole Nicolas, Lecturer on Oriental Philosophy at the University of Montreal. It will be delivered tomorrow at 4 p. m. in the Large Lecture Hall of the Fogg Art Museum. This is the second of two lectures given under the auspices of the Harvard-Yenching Institute. Admission is free.

Department of Music

The Department of Music is sponsoring a concert to be given tonight at 8:30 p. m. in Paine Hall, by Noel Lee. The program will include music of Froberger, Frescobaldi, Hindemith, Milhaud, and Brahms. This concert will be free and open to the public without ticket.

Harvard College Observatory

During the last week of April and the first week of May, the Harvard College Observatory will hold a series of open nights sponsored by the Bond Astronomical Club and the Amateur Telescope Makers of Boston.

Tickets may be obtained by sending to the Harvard College Observatory, Cambridge 38, a self-addressed, stamped envelope, and indicating first and second choice of night.

FORUM—(Continued)

his best-selling Pulitzer Prize biography "Age of Jackson." He is a frequent contributor to the *New York Times* Sunday Magazine Section and in 1946-47 was awarded a John Guggenheim fellowship in recognition of his outstanding scholarship in the field of American political history. Professor Schlesinger is appearing in place of Representative Helen Douglas of California, who was originally scheduled as the fifth speaker and is unable to attend.

Caught in the stream of the three political parties and the A.D.A. will be Prof. Paul A. Freund of the Law School, who will act as moderator for the program.

The usual Forum format, including opportunities for questions directed to the speakers from members of the audience, will be followed. The books which will be presented by the Forum for the three best questions asked are: Byrnes, "Speaking Frankly," Baldwin, "The Price of Power," and Finer, "America's Destiny."

Tickets for Friday evening's forum may be purchased in advance by non-members and members who may desire to bring guests at the Forum Office in Gannett House from 9 a. m. to 5 p. m. daily. Admission to non-members is 50 cents.

REUNION—(Continued)

The last day's activities will include golf and tennis, swimming and a farewell luncheon with wives and Faculty guests at Ocean House. Accommodations for members and their wives in a dormitory or in a hotel may be secured by communicating with Campbell Bosson, Esq., of Stone, Bosson, Mason & Gannon, 30 State St., Boston 9, Mass.

PENNSYLVANIA—(Cont.)

gentlemen will not be with us next year." Other students feel that the admissions system is not as selective as one might believe. On the other hand some point out that the number of failures is merely indicative of the school's high standard. Incidentally, the chief cause of complaint among students, as concerns the grades, is not their lowness, but the delay in receiving them; normally it takes as much as eight weeks.

Courses at Penn do not vary greatly from those at Harvard. The first year courses are the same with the exception that recently a sort of indoctrination course has been added. The course is a sort of Legal pot-pourri, combining introductory materials, bits of jurisprudence, legal history, and so on. Equity is not given as a full year course, and Future Interests is given at a later term than at Harvard. A course in Pennsylvania practice is given by Judge Flood of the Philadelphia Common Pleas Court. This course includes practice in interrogation of witnesses, summing up before a jury, and complete simulated trial procedure. Although students are not inclined to take this part of the course very seriously, it appears to have the makings of an excellent supplement to regular moot court arguments. Courses are also given for credit in New Jersey, New York, and Delaware Practice. Penn is rather proud of the fact that it is one of the first and one of the few law schools thus far to institute a general course in International Law as a required course for all second year students. This is conducted by Professor William W. Bishop, Jr., former Chief Advisor to the American Delegation at the Peace Conference.

At present, the courses, methods of teaching, and other aspects of legal education, are undergoing study by a faculty committee that is expected to recommend a number of further changes at Penn. The tendency as regards casebooks is to replace the old standard works with books that include introductory text and note material as well as cases. Thus, for example, Professor Fuller's book on Contracts has replaced Shepherd's casebook; in Torts, Shulman and James has replaced the Bohlen book, and Mikell's *Cases on Criminal Law* has partly fallen to the casebook by Michael and Wechsler.

Law Review men at Penn are not chosen solely by scholastic average. A minimum average is set (roughly equivalent to a 72 at Harvard), and all men receiving that average enter into a competition for the Review. This consists of writing three recent case comments, the best ones winning for their authors a place on the publication.

Moot courts are conducted at Penn through fairly autonomous clubs. These clubs are coordinated through an Inter-club Council, formed of the representatives of the various clubs. An additional function of the Council is to act as a *de facto* student organization and to present student viewpoints to the administration. Moot Court procedure at Penn can vary with the clubs; as a result some clubs argue with much greater frequency than others. This procedure has not been too satisfactory, and is under revision at the present time. In the past the clubs (like the Penn fraternities) selected their members along sectarian lines. The present student body, with the help of Dean Harrison, has attempted to do away with this situation, though with what success is still questionable.

Taking a leaf from the Forum here, Penn's Inter-club Council has also recently established a University of Pennsylvania Law School Forum.

Penn has permanently adopted a three-term year, three-year course. However, veterans entering before last September were allowed to graduate in seven instead of nine terms. The course of study has been arranged so that everyone, including the veteran classes, receives an eight-week summer vacation.

Physical facilities are the chief weakness at Penn. The average incoming class consists of some 150 students (post-

acceleration classes will average 300), and the normal classroom is much too small for comfort. Penn's Biddle Memorial Law Library lacks natural light, though no fault can be found with its excellent collection. The main reading rooms are divided into individual cubicles which are good in providing the student with more privacy than the usual library. The whole Law School is located in one gloomy building not unlike a slightly larger and "squarer" version of Austin Hall. There are hopes for a new wing building, but plans are not beyond the formative stage. Though their Law School's gloomy halls may remain for a time, Penn men hasten to point out that at least the traditional conservatism of the University of Pennsylvania, today bids fair to go by the board—certainly as regards the Law School.

J. S.

COURSES—(Continued)

perspective will also be discussed. Individual research and term-papers will substitute for regular assignments and a final examination.

In addition to these two courses during the Fall term Mr. Berman will teach under the auspices of the Faculty of Arts and Sciences. The course is tentative but is expected to cover the background of Soviet political and legal insti-

Oxford Grille

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

Serving good food and
good liquors at
Reasonable Prices

In Re MacTee
It was Ruled definitely
The Probable Intent of T
Was to go to the O. G.

SITED AT 36 CHURCH ST. 36



READY-
MADE

CUSTOM

The Clothing
men want . . .

"LANGROCK"
GABARDINE SUITS

HAND TAILORED IN OUR
OWN SHOPS
\$85.00

SUMMER SLACKS
\$12.50-21.50

LANGROCK
20 HOLYOKE STREET

NEW HAVEN
WORCESTER
PROVIDENCE

PRINCETON
NEW YORK
WASHINGTON

All-Purpose Clothes

There are dozens of substantial reasons for keeping clothing expenditures within reasonable limits.

There are two simple methods of doing so. First, specialize in all-purpose garments, such as flannels or other "untyped" fabrics, suitable for almost any occasion.

Second, familiarize yourself with sturdy fabrics featured by Duncan Macandrew.

Custom Suits at \$56, and \$80, and \$110

Duncan Macandrew

CLOTHIERS for MEN

11 Dunster Street, Cambridge

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

UNIVERSITY
THEATRE

HARVARD SQUARE KI. 7-4580

Today, April 21—Review Day
Irene Dunne - Charles Boyer
"WHEN TOMORROW COMES"

Gene Tierney - Victor Mature
"SHANGHAI GESTURE"

Thurs., Fri., Sat.—April 22, 23, 24
James Stewart
"CALL NORTHSIDE 777"

"LINDA BE GOOD"

Sun., Mon., Tues., Wed.
April 25, 26, 27, 28
Cary Grant - Loretta Young -
David Niven
"THE BISHOP'S WIFE"

CONTINUOUS DAILY FROM 1:30

TENNIS RACKETS

ALL MAKES ALL PRICES

Sneakers - Shorts - Balls - Shirts

TENNIS & SQUASH SHOP

67A MT. AUBURN ST., CAMBRIDGE, MASS.

APARTMENT TO LET

5 minutes from Law School. 2 bedrooms,
living room, kitchen & bath. Furnished.
Suitable for 2 couples or 4 students. 18
month lease. \$150 per month. Inquire at
Record Office, Austin Hall.

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

TOURS
CRUISES

AIRLINE-TRAIN
RESERVATIONS

UNIVERSITY TRAVEL CO.
Harvard Square - Kirkland 1650

Do You Suffer from "LOST TIME"



RIDE-A-BIKE

The BICYCLE EXCHANGE 3 BOW ST
KIR. 8535

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