

# The Harvard Law School Record

VOLUME 7. NO. 2

CAMBRIDGE, MASS., WEDNESDAY, OCTOBER 13, 1948

PRICE TEN CENTS

## NEWS IN BRIEF

### INFORMAL DANCE

The first Law School fall term informal dance will be held on Saturday October 23, between 8 p. m. and midnight in Memorial Hall. Bob Morris' Band will provide music, and set-ups will be available. Tickets for a couple may be purchased for \$1.80, and will be available at Gannett House, October 10 through 23. Last year the Law School Committee of Phillips Brooks House, which is running the dance, charged \$2.40, but it is hoped the lower price for this dance will be offset by a greater number attending.

### KING'S BENCH

King's Bench has announced the election of the following Members of Council: William L. Blum 3L, Chief Justice; Laughlin McLean 3L, Associate Justice; Ludwig Clifton 3L, Justice of Exchange; Haig Barsamian 3L, Scrivener; Herbert Ascherman 3L, Robert Dressler 3L, Bruce Leeger 2L, Felix Kent 3L, and Marvin Borman 3L.

The opening event for this year will be a dance to be held at the University Club, Saturday, October 16, from 8:30 to 12 p. m.

### CASE IN POINT

*Case in Point*, a color movie with sound effects will be shown to first-year men in Langdell Court Room tomorrow and Thursday, to those men whose last names begin with A-K and L-Z respectively. Written, acted, and produced by the Board of Student Advisers last winter, with financial aid from the West Publishing Co., the motion picture describes the travails of a first year Harvard Law student in becoming acquainted with our library facilities and preparing for his Ames singles argument. A tour of the Library, with explanations as to the use of digests and other library materials, and the oral argument of a tort case are shown. The picture runs for forty minutes.

According to Stanley Freedman, the producer of the picture and present Chairman of the Board of Student Advisers, there has been a great demand for this picture by law schools throughout the country.

## Rappaport Heads Group Producing Documentaries Upon Current Issues

Early next month New Englanders will hear a new 30-minute program over station WHDH, "What's It To You?" Idea of the program is to use the dramatic technique of the radio-documentary to stimulate people to positive action on social problems as the old techniques like forums and lectures have never done.

Founder and Chairman of the Radio-Documentary Group is Jerome Q. Rappaport, who completed his seventh term in the Harvard Law School last summer.

Rappaport, who was also founder of the Harvard Law School Forum, announced yesterday a meeting for those interested in working with the Group at 7:30 p. m. tomorrow in the Phillips Brooks House.

The first program, he explained, will dramatize City Planning. Other problems to be dealt with include housing, juvenile delinquency, F.E.P.C. and so on. Each broadcast will be prepared by a working group of a number of students plus at least one faculty member whose specialty is in the field which the program will cover. The first broadcast will be the dramatization of the problem. The following week will see a round-table discussion of that problem by a panel of qualified experts.

Rappaport expressed a particular de-

## TWELVE MEN MAKE MAGNA CUM LAUDE

### Degrees Awarded 441 Graduates Of September Class

The Faculty voted yesterday to award six LL.M.'s and 335 LL.B.'s to members of the class which completed its work this September. Twelve men graduated with A averages, 78 with B's, 227 with C's, 18 with D's and one failure.

| A    | B     | C     | D    | E   |
|------|-------|-------|------|-----|
| 3.3% | 23.2% | 67.6% | 5.4% | .3% |

Twelve men with average grades of 75 and above throughout their school career received their degrees *magna cum laude*. They were: Burton M. Abrams (CCNY '43), George A. Blackstone (Nebraska '43), Murray Cohen (NYU '45), Roger D. Fisher (Harvard '43), Robert M. Loeffler (Okla. '43), John T. McNaughton (DePauw '42), Charles T. Munger (Michigan), Sheldon Oliensis (Penn. '43), Melvin J. Sykes (Johns Hopkins '43), J. Rucker Todd, III, (Emory '43), and Edward I. Rothschild (Harvard '42).

Degrees cum laude were awarded to 26 men with averages of 72 to 74. They were: Robert G. Bailey (U. of Calif., Los Angeles '43), Robert R. Batt (Harvard '41), Walter H. Beckham, Jr. (Emory U. '41), John E. Clay (Carleton Coll. '43), Paul G. Counihan (Harvard '39), Herschell G. Emery (U. of Ill. '45), Joseph H. Flom (CCNY), Benjamin Forman (CCNY) '41, A. M. U. of Nebr. '42), Robert F. Fuchs (U. of Wis. '46), Frank T. Gray (Princeton '42), James C. Hurley (Princeton '44), Arthur A. Litt (Yale '41), Marvin B. Meyer (Pomona), Richard G. Mintz (Harvard), Joseph G. Morray (U. S. Naval Academy '40), Walter E. Oberer (Ohio Wesleyan '42), Herbert L. Ortnier (N.Y.U. '43), Charles G. Phillips (Williams '43), Robert D. Risch (DePauw '46), Walter M. Robinson, Jr. (Vanderbilt '42), Irwin Schneiderman (Brooklyn '43), Richard L. Selle (Oberlin '42, I. A. Harvard '43), James E. Thomas (Maryville '41), David I. Wendel (U. of Calif. '42), Milton R. Wessel (Yale '45), Francis M. Wheat (Pomona '42).

sire to have law students come out to work on the group. Since all the topics

to be presented involve legal problems, law students will be able to do especially worthwhile work. "Those participating," he says, "will find a means of contributing to community affairs and a chance to meet people active in numerous fields." Writers, researchers and technicians are all urged to come out. At present some 40 undergraduates and graduate students are working on the first group.

Jerome Rappaport thought up this Radio-Documentary Group this last summer. He enlisted the aid of a number of other law students - John Safer 3L to lead the technical end; Albert Marre 2L, who directed the Cambridge Summer Theatre to head production; and William Suckle 3L to work on publicity. Various faculty members agreed to participate. Professor Freund of the Law School was picked to counsel the group on the legal aspects of the problems to be dramatized.

(Continued on page four)

## Forum To Hear Porter And McNair On "How Can We Avoid Depressions?"



PAUL PORTER

Are prices going to keep going up or is a crash just around the corner? Two views to this question which is uppermost in everyone's mind will be given on Friday night, October 15th, at the second in the Harvard Law School Forum fall series. Discussing the topic "How Can We Avoid Depression?", will be Paul Porter, former OPA Administrator, and Malcolm P. McNair, professor of Marketing at the Howard Business School. Dean Edward Mason of the School of Public Administration will moderate at this meeting which will be held at 8:00 p. m. at Rindge Tech Auditorium.

Although it is not expected that the issue will be as explosive as the first of the season, nevertheless, a wide variety of opinions will be vigorously expressed on whether there is a need for strict economic legislation in the form of controls and taxes to meet the inflationary surge created in large part by the Marshall Plan and rearmament purchasing.

Mr. Porter, a graduate of the University of Kentucky Law School, began his career as a newspaper reporter and editor and remained in that field until 1933. Under the Roosevelt administration, he began as counsel to the AAA and continued to serve in a wide variety of administrative and legal capacities, of which the most recent has been Administrator of the Office of Price Ad-

ministration and Chief of the U. S. Economic Mission to Greece. Mr. Porter is at present in private practice in the firm of Arnold, Fortas and Porter. An able speaker, it can be expected he will draw on his long experience with government controls in presenting his answer to the problem.

Besides teaching in the Business School since 1931, Professor McNair has served as a director to such firms as John Wanamaker and the National Retail Dry Goods Association. He is the author of numerous books and articles on problems of retailing and marketing.

Dean Mason, a Professor in the School of Public Administration since 1937, has more recently served as chief economic advisor to Secretary Marshall in Moscow, and as assistant under Secretary Clayton in charge of economic affairs for the state department.

The following topics are scheduled for discussion in coming Forums:

A Forum entitled "The Faculty Votes" will be presented on October 29. Professors Chafee, Ciardi, Leach and Seavey will give their views on the coming election. Prof. Morgan will be moderator. On November 15, Dr. Margaret Mead and Dr. Gregory Zilboorg will discuss "American Sex Standards."

The subject for the Forum on December 3 is "What's Happening to Our Family System." Carl Zimmerman, Joseph K. Folsom and Carl Binger will present their views on the matter.

Due to the success of the Political Action Techniques School which the A. V. C. sponsored last Spring, the Harvard Law School Forum will present its legal counterpart in a "School for Young Lawyers." This will consist of several seminars to be given on November 10 and 11 by practicing lawyers. Among the subjects for class discussion will be "Setting Up Legal Practice in Large or Small Communities," and "Fields of Specialization in the Law."

## HONOR GROUPS SELECT 45 MEN

### Law Review Takes 25; Board 5; Legal Aid 15

Forty-five men from the present third term have been selected for membership in the three honor societies of the Law School. They were chosen on the basis of their grades for their first year's work here.

Invited to serve by the *Law Review* were 25 men. They are: Horace R. Baldwin (Wesleyan '47), New York City; Daniel C. Cohen (Harvard seven year plan), Philadelphia, Penn.; Theodore L. Cross, II (Amherst '47), Wellesley Hills, Mass.; Watt H. Denison, Jr. (U. of Tenn. '43), Lexington, Tenn.; Robinson O. Everett (Harvard '47), Durham, N. C.; John J. Gibbons (Holy Cross '47), Belleville, N. J.; Lewis C. Green (Harvard '47), St. Louis, Mo.; Robert A. Kagan (Harvard '46), Boston, Mass.; Lawrence W. Keepnews (Harvard), Flushing, N. Y.; Leon S. Lipson (Harvard '41), Newton, Mass.; Hans F. Loeser (U. of Penn.), Jackson Heights, N. Y.; Vincent Lee McKusick (Bates '43), Guilford, Me.; Irving Malchman (Harvard '47), Provincetown, Mass.; Edward E. Murphy, Jr. (Washington U. '47), St. Louis, Mo.; Harry B. Reese (Ohio State '47), Wellston, Ohio; Alan E. Schwartz (Michigan '47), Detroit, Mich.; Andrew J. Schoen (Harvard '47), New York City; David Simon (Cornell '44), Brooklyn, N. Y.; Jerome L.

(Continued on page three)

## POLL FAVORS COUNCIL FOR LAW SCHOOL

### Organization Is To Promote Faculty Student Relations

The first real effort to organize a representative student association at Harvard Law School is now being made by representatives from ten of the organizations presently existing at the Law School. In order to gauge student opinion on the matter a poll was taken of the second and third years, with the following results:

|                  | Number | Per Cent |
|------------------|--------|----------|
| Second Year:     |        |          |
| In Favor .....   | 315    | 74%      |
| Opposed .....    | 35     | 8%       |
| Don't Care ..... | 76     | 18%      |
| Third Year:      |        |          |
| In Favor .....   | 243    | 55%      |
| Opposed .....    | 134    | 31%      |
| Don't Care ..... | 60     | 14%      |

A council of representatives of the *Law Review*, Board of Student Advisers, Legal Aid, Record, Forum, Phillips Brooks House, King's Bench, Chancery, Lincoln's Inn, and the Lawyers' Guild met during the summer to consider the advisability of setting up some group to coordinate some functions of existing student organizations and serve as a clearing-house for information. After general exploratory discussion, it was decided that there was a need at Harvard Law School for an organization to promote better relations between the students and faculty-administration, to represent the entire student body, and to initiate student activities.

Examples of functions the Student Association might perform are: to study

(Continued on page four)

## Student Hygiene Committee Report Urges More Services and Lower Fees

The Student Hygiene Committee, organized to investigate health and hygiene facilities, and consisting of student representatives for the different schools of the University, has announced the results of its survey.

In former issues the HARVARD LAW SCHOOL RECORD had pointed out the numerous student complaints concerning conditions in the Hygiene Department and as a result the Student Hygiene Committee was formed. The Committee reported regarding the services provided at the University of Chicago, Massachusetts Institute of Technology, Princeton University and the University of Pennsylvania and used these results as a basis for its recommendations.

The Committee proposed that all extra fees above the \$30 per year be eliminated and that services and medicines at Stillman Infirmary be provided at no extra charge with the exception of night calls and charges for lengthy stays. "It should be possible for a student who consults a private physician regularly and does not use the Hygiene Department facilities to be excused with a minimum of red tape from payment of the Medical and Infirmary Fee," the Committee stated.

A recommendation was made that the Hygiene Department reduce the amount of outside medical services borne at the expense of individual students by providing specialists within the department instead of sending students to outside doctors whose fees are generally quite high. To achieve this at minimum expense, a tie-in with the Harvard Medical School is urged. The reduction of overhead costs of Stillman Infirmary was not

recommended since the Committee concurred in the view that the protection of the student body requires the maintenance of complete facilities at Stillman and of a full staff of nurses and doctors.

One of the complaints investigated concerned brusque, often discourteous treatment by members of the Hygiene Department. The Committee suggested that where possible the same doctor treat a student-patient and thus a more personal relationship might be built up. They also suggested that the Hygiene Department Staff treat the students as if they were paying patients in the normal doctor's office.

The disposition of the \$15 was not made clear by the report under the excuse of inability to make a complete audit. There were no figures given at all on how the \$15 was spent. Fees in other schools were generally lower but the Committee pointed out that services in the other schools varied. For example, the fee at the University of Pennsylvania was \$5 per student but infirmary costs were higher.

The Committee consisted of Chandler Davis, Graduate Advisory Council; Bernard Marcus, Harvard Law School Record; R. O. Powell, Business School Students' Association; Clyde Snyder, Harvard Business School; and Dow Votaw, Phillips Brooks House Committee of the Law School.

The report was submitted to the Hygiene Department on Thursday, October 7. Yesterday Dr. A. V. Bock, head of the Hygiene Department, said that the report of the Committee was being studied but that no comment was as yet available.

## 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 A. HOLMAN ..... Articles  
ARTHUR S. FRIEDMAN ..... Alumni Gallery  
SYDNEY ROTHSTEIN ..... Comment  
PAUL J. KIRBY ..... Secretary

**BUSINESS BOARD**  
RICHARD M. CHAPMAN ..... Advertising Manager  
ISADORE M. MACKLER ..... Treasurer

### STAFF

David Alter, William H. Berman, Arthur Brody, Arthur S. W. Chantry, Wallace E. Cowan, Samuel Dash, Kenneth R. Frankl, Bernard A. Friedman, Benjamin Gnesin, Harvey Greenfield, Jerry M. Hamovit, Homer H. Hewitt, III, Irving D. Isko, Perry B. Leff, Julius Levinson, Richard Marshall, Edward J. Masek, Paul A. Nurick, William K. Poindexter, Frank R. Rinaldi, Jerry Wagner, Harold Weinstock.

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."

Editor for this issue . . . Sydney Rothstein

## Editorials

The Student Hygiene Committee has reported the results of its investigation of the complaints concerning the Hygiene Department.

The chief complaint was to the effect that the \$15 fee was too high especially since the majority of students made but little use of the services of the Hygiene Department. What happens to the \$15 and why such a large amount is necessary in view of the smaller amounts charged by numerous other schools, remains unanswered by the Committee. In this respect their report is inadequate. But the Committee does go ahead and make recommendations as a result of the investigation. Special fees, says the Committee, should be abolished. Specialists from the Medical School should be made available. More courteous treatment should be given students. These recommendations are specific; they are backed up by investigation and comparison with other schools.

The Committee, for the time, has completed its work. The matter now rests with the Hygiene Department. Are these proposals to be rejected. If so, why?

S. R.

## Letters to the Editor

Letters to the Editor should not exceed two hundred and fifty words in length. Readers are asked to sign their letters. The name will be withheld upon request.

To the Editor of THE RECORD:

Perhaps it's a little premature to begin worrying about "crossing the Bar" in the third term, but the latest results of the Massachusetts Bar examinations make me shiver and shake as Monsieur Morgan and/or Seavey could never make me do. Only some 33% passed. And this in Massachusetts where products of more good law schools take the examinations than in most any other state. Moreover, the percentage passed represented nearly a 20% drop from the year before. Are law students getting any dumber? Or is the Bar deciding that the rail is crowded enough? And if so, who makes the decision? What group in the Bar Association decides how many shall pass this year? And by what right? The RECORD could do us unknowing law students a great service by finding out some of these answers. Me, I'm busy hunting a good corner to sell apples.

A Third Term.

To the Editor of the RECORD:

I was glad to receive the RECORD again this fall after the summer layoff. The RECORD was missed this summer especially since summer practice these days leaves ample time for outside reading. As a matter of fact there was so much time I almost took to reading the Review. Blessed is the fall.

EDWARD M. BARON, L.L.B.'37,  
New York City.

## Off the Record

### Le Professeur Sans Merci

(With Apologies to John Keats)  
"Oh, what can ail thee, student sad,  
So wan and palely loitering?  
The ivy's wither'd from the Yahd  
To sleep till spring."

"Oh, what can ail thee, student glum.  
So haggard and so woe-begone?  
The baseball season's juicy plum  
Has come — and gone."

"I met the postman at the door;  
I looked for Evidence, withal;  
And cried — 'Le Professeur Sans Merci  
Hath me in thrall!'"

"And this is why I sojourn here,  
Alone and palely loitering  
Though ivy's wither'd from the Yahd  
To sleep till spring."

### The Law Review Man

Come, little children, and see the emaciated Law Review Man. See what pretty bags he has under his eyes. He is very Smart. He knows it. He works Long, Hard Hours every day and night; consequently he is Nervous and Overwrought. But he is Easy to get along with. After he has finished writing up this Important Case, he will go home and push the Cherry Jello in his wife's face because it has Lumps in it. Is he not a fine Specimen? Soon the first year Medical Students will come and take him away.

### The Editor

Here we have a Law School Editor. He is campaigning against Sin and Inefficiency Everywhere, especially in the Law School. Next week he is going to Lambaste the Law School Administration for having the Water Too Cold in the drinking fountains. Is he not Courageous? Hush Children. Do not wake him. He is writing an Editorial.

—PUBLIUS

### Song of the Law

or

#### First Termers' Lullaby

(with apologies to Hood)

With body weary and worn,  
With eyelids heavy and raw,  
A first termers sat in a boarding room,  
And studied the books of Law —  
Case! Case! Case!  
Wading through pages of rot,  
Seeking to find a glimmer or trace,  
Is it murder or is it not?

Case! Case! Case!  
While the sun is shining aloof!  
And case—case—case,  
Till the stars shine through the roof!  
It's oh! to be a clerk  
Or a sailor a-roaming far,  
Or even a slave in the land of the Turk,  
Is this the way to the Bar!

Work—work—work—  
Till the brain begins to swim;  
Work—work—work—  
Till the eyes are heavy as dim  
Lien and chattel and writ,  
Writ, and chattel, and lien,  
Till over the cases I fall asleep  
And brief them out in a dream.

Work—work—work!  
From weary chime to chime,  
Work—work—work!  
As prisoners work for crime!  
And what are its wages? For all the days,  
The weeks, the months, and the time  
And the worry so great, I'll thank my fate  
For a measy fifty-nine.

Oh, but to breathe the breath,  
Of the cowslip and primrose sweet,—  
With the sky above my head  
And no books beside my seat!  
For only one short hour  
To feel as I used to feel,  
Before I knew the woes of Law  
And the Cases that make me reel!

Oh, but for one short hour,  
A respite, however brief!  
No blessed leisure for love or hope,  
But only time to brief!  
A movie seen, some music heard,  
Would ease my weary mind,—  
But I cannot stop, for fear I drop  
In Torts, a case behind!

## Gallery

### JAMES PRESTON KEM

United States Senator



Last June's Republican National Convention in Philadelphia was not an occasion that lent itself to scrupulous appointment-keeping; as the campaign for the presidential nomination moved on to its climax observation of such every-day niceties was more or less a physical impossibility. Delegates and delegations were constantly being button-holed by supporters of the various candidates, convention committee meetings had to be attended, and caucuses were being held at a fast and furious rate.

It was at the end of one such caucus of the Missouri delegation, which met in a converted floor-level hotel shop room, that United States Senator James Preston Kem found a few minutes of uninterrupted breathing time. In the course of the meeting over which he had just presided certain routine matters were disposed of (including the distribution of corn cob pipes to all the delegates and their alternates, that symbol to vie with big sunflowers from the Idaho delegation, cowboy hats from Texas, etc.), and appointments were made for the delegation to meet with many of the leading candidates in a round of the usual convention "shopping."

Heaving a sigh of relief at the thought of spending a few minutes talking about his life history, he began by answering some questions about mixing law and politics.

Senator Kem is a newcomer to national politics, having been elected in 1946, and his present term is the first public office he has held. In spite of that fact, he has already taken part in some headline-raising activities in the upper chamber. He was the leading proponent of a full-scale Senate investigation of the alleged Kansas City vote frauds in connection with the Democratic Primary in 1946—a Primary in which President Truman's active intervention helped defeat the incumbent, Roger Slaughter's quest for the Democratic renomination. Senator Kem was sharply critical of Justice Department action in the matter, and in the course of Senate Committee hearing engaged Attorney General Tom Clark in lively debate. Later, in November 1947, Senator Kem had another occasion for criticism of Mr. Clark when he denounced the Attorney-General's recommendation, and the President's allowance, of a pardon for Boston's Mayor James M. Curley.

As a freshman, Senator Kem has been serving on the Committee for the District of Columbia, and on the Agriculture Committee. The latter is a particular interest of his, the Senator characterizing himself as "a farmer in a small way." He is also well-known in Missouri as a breeder of shorthorn cattle.

The Senator, a heavy-set, distinguished looking man whose appearance belies his fifty-eight years, was born in Macon, Missouri. He took his Bachelor's degree at the University of Missouri in 1910 and came to Harvard in the famed class of '13. Among others the Senator's classmates included two of his present colleagues, Robert A. Taft and Owen Brewster, Professors Dodd and Chafee, and two men active in government service, Norman Armour and Oscar Ewing, the present Federal Security Administrator.

Senator Kem is strongly convinced that qualified lawyers have a great advantage as legislators. He is impressed with the larger numbers of current day young lawyers who are interested in public life and government service as careers, as contrasted with the prevalent ambition of his classmates to get out into strictly private business and practice. He did express the feeling, however, that a change in national administrations might affect to some extent the opportunities available for such service; this in view of probable Republican economy measures. With reference to political parties, Senator Kem pointed out the obvious advantage, and practical necessity, of getting attached to some party and working through them if the young lawyer is interested in public service in the political arena.

Last Spring, students at the Law School had an opportunity to hear the Senator speak before a capacity Forum audience on national campaign

## Sub Judice

DON'T GO INTO THE LION'S CAGE  
TONIGHT \* \* \*

Little Bessie Pearson, aged seven, was watching a country circus when she felt a need to relieve herself. No orthodox lavatory had been set up by the circus people; instead they expected their patrons to shift for themselves in the surrounding fields. Although this arrangement struck the Master of the Rolls as "rustic and primitive," it was found to be perfectly natural under the circumstances and no evidence of negligence. Bessie, then, wandered around the outside of the tents until she found a secluded area, crept under the canvas, and tried to crawl beneath a sheltering runway—"obviously such a quiet place as one would expect a little girl of seven with ordinary delicacy of feeling to select." Unfortunately, the runway led to the lion's cage and the beasts were able to stick their paws out between the bars. Bessie, badly mauled, brought an action for personal injuries. *Held:* for Bessie. She became a licensee when she paid to enter the circus grounds, and the license included the right to make reasonable efforts to find a lavatory. Even though the circus had protected the lion's cage sufficiently from adults, their precautions were not sufficient to warn Bessie of her danger. Therefore they had violated a duty of care which they owed to her.—*Pearson v. Coleman Bros.* (1948) 2 K. B. (Court of Appeal, England).

## Notes on Recent Cases

### DIVORCE—FRAUD

(Civil Death Does Not End Marriage)

*Graham v. Graham*; 36 So. 2d 316 (Ala. 1948). Robert Hendricks was sentenced to life imprisonment in 1937. In 1941 his wife Mamie married William Graham, telling him falsely that she had obtained a divorce from Hendricks. In 1947 she divorced Graham and was awarded some of his real estate in lieu of alimony. Although Graham appeared generally at the trial and lost, he sought to have the decision reversed by a bill of review, claiming Mamie had perpetrated a fraud on the court when she claimed she was married to him. *Held:* for Mamie; the divorce decree and award of real estate was affirmed. Although the Alabama code provides: "A convict sentenced to imprisonment for life is regarded as civilly dead," this does not have the effect of dissolving his marriage. But Mamie had no way of knowing this at the time of the divorce suit. In fact the question had not been decided in Alabama until the present case came up. Since her only fault was a failure to outguess the State Supreme Court, she was guilty of no fraud. Moreover Graham was guilty of negligence in failing to raise the question before the trial court.

In a concurring opinion, three justices requested that the legislature repeal the Civil Death Statute which is "of necessity full of casuistries and potential of much injustice."

### INJUNCTION—BREACH OF OPTION

(Fraudulent Purchase—Used Cars)

*Larson Buick Co. v. Mosca*; 79 N.Y.S. 2d 654 (1948). Mosca bought a car from the Larson Buick Agency, and as part of the contract granted Larson an option to rebuy it if he decided to sell within six months. At the time of the sale Mosca had a friend with him who Larson recognized as a used car dealer. The following day Mosca transferred the car to this friend, and Larson sought a temporary injunction restraining the transfer. *Held:* for Larson. The injunction should be granted because of the fraud in the transaction and to encourage honest automobile dealers trying to sell their cars to bona fide individual purchasers. Because of the shortage of new cars, damages would not be an adequate remedy.

This sales contract with option is an increasingly common device of auto salesmen trying to keep their products from the "used car" black market.

Issues. Ranged alongside him, in what was probably the most exciting and hotly-contested forum of the year, were Senators O'Mahoney and Brewster, Representative Isaacson, and Professor Schlesinger of Harvard. He left Cambridge, he said, greatly impressed by the facilities which had been added since his graduation, and by the increased number of students as compared to the total of six hundred he had once been accustomed to.

Prior to his election in 1946, Senator Kem had been in the private practice of law for close to thirty-five years, starting in a large office and ultimately coming to specialize in corporate work. He is still associated with the firm of Kem, Gordon & Gilmore, in Kansas City, although he confesses that he doesn't find much time to take an active part in firm affairs these days. A. F.

## Alumni Notes

The formation of a partnership by Charles F. Blair, LL.B. '05, and William C. Warren, Jr., LL.B. '17, for the general practice of law under the firm name of Blair & Warren has been announced. Offices are in the White Building, Buffalo, New York.

LL.B. '21—William E. McCurdy, Professor of Law, has been appointed associate director of the Legal Division, Office of Military Government for Germany. Professor McCurdy served with the Legal Division in the early stages of the occupation of Germany. He returned to the United States in June, 1946, but at the request of the director of the Division, obtained leave from Harvard the following year in order to return to Berlin as Chief of the Legal Advice Branch.

LL.B. '38—Lawrence E. Hoffman and Simon Englander have formed a partnership under the name of Englander & Hoffman at Mercantile National Bank Building, 420 Lincoln Road, Miami Beach, Fla.

LL.B. '39—Rollin E. Woodbury was recently elected, in Los Angeles, Calif., to the office of Assistant General Counsel of the Southern California Edison Company.

LL.B. '40—George P. Rogers has opened an office for the general practice of law in the Theatre Building, Mayville, New York.

LL.B. '41—Carter H. White has been reappointed corporation counsel for the city of Meriden for a two-year term ending January, 1950. He has also been elected director and vice-president of

the Meriden Record Company, publishers of the Meriden Record.

LL.B. '42—Henry F. Lippitt, 2nd, has left his position on the staff of the New York Directed Office of the Atomic Energy Commission to become associated with the firm of Whitman, Ransom, Coulson & Goetz, 40 Wall Street, New York City.

LL.B. '42—Kenneth A. MacDonald announces the formation of a partnership with James Caleb Harper for the practice of law under the name of Harper & MacDonald with offices in the New World Life Building, Seattle, Washington.

LL.B. '43 ('46)—Walter L. M. Lorimer is with Wright & Garrett at 621 South Spring Street, Los Angeles, Calif.

LL.B. '46—Alan N. Schneider has been appointed public relations director for the City Administration in Louisville. The job will be paid by Democratic Party funds and will consist of publicizing the activities of city departments.

Schneider continues as a partner in the firm of Selligman & Greenebaum.

LL.B. '47—Sumner Redstone is teaching Labor Law this term at the University of San Francisco Law School.

LL.B. '48—Joseph B. McGrath has been appointed a government attorney for the General Litigation Section of the Claims Division, Department of Justice in Washington, D. C.

LL.B. '48—Roger P. Stokely is now in practice with Goodwin, Proctor & Hoar in Boston and is also a lecturer in future interests at the Northeastern University School of Law.

## HONOR MEN—(Continued)

Sindler (Harvard seven year plan), Brooklyn, N. Y.; Arthur D. Sporn (Harvard '47), New York City; Mortimer S. Steinberg (Harvard '47), Passaic, N. J.; Jerome Thomases (C. C. N. Y.) '38), New York City; Donald T. Trautman (Harvard seven year plan), Cleveland Heights, Ohio; David Westfall (U. of Mo. '47), Columbia, Mo.; and Robert Zuckerman (C. C. N. Y. '47), New York City.

The Board of Student Advisers announced the election of five men from the third term to membership in their group. They are: Martin Blackman (N. Y. U. '47), New York City; Charles F. Harrington (U. of Rochester '47), Hamburg, N. Y.; Delbert G. Ofsthun (Harvard '47), Duluth, Minn.; William W. Rymer, Jr. (U. of Tenn. '43), Chattanooga, Tenn.; and George W. Schmidt (Michigan '47), Baldwin, New York.

Fifteen other men from the third term were chosen for membership in the Legal Aid Bureau. They consist of: Joseph E. Bare, Jr. (U. of Rochester '47), Rochester, N. Y.; Victor J. Baum (Michigan '46), Detroit, Mich.; Robert A. Behrman (Yale '47), Greeley, Colo.; Morris J. Coff (U. of Denver '47), Denver, Colo.; Jay W. Glasmann (Idaho '47), Ogden, Utah; Warren J. Greene (Harvard '46), Orange, N. J.; Luther L. Hill, Jr. (Williams '47), Des Moines, Iowa; James M. Howe (Harvard '47), Clearwater, Fla.; McChesney H. Jeffries (Davidson '47), Thomasville, Ga.; Henry B. Keiser (Michigan '47), New York City; Carlisle B. Lane (California '47), San Francisco, Cal.; Donald E. Paradis (Wesleyan '43), Warwick, R. I.; Frank G. Parker (U. of New Mexico '44), Flushing, N. Y.; Isaiah F. Shotkin (Pennsylvania '47), Brooklyn, N. Y.; and Clinton R. Stevenson (Ohio Wesleyan '47), Norwalk, Ohio.

## Long John And Little Greezer Provide Enlightening Dialogue For Reporter

One day I am standing in front of the Greek's, digesting one of the Greek's western omelettes, which are excellent as western omelettes go, since the Greek originally comes from a little town in Epirus, which is in western Greece, when I meet with the sight of two characters who are sauntering down Mass. Avenue, headed in the direction of the Law School.

One of these guys is a beanpole who is wearing a serious look on his pan, assorted gee-eye clothes, and a green bagful of books over his left shoulder. He looks about as cheerful as a consistent "59er," who feels that maybe he does not do too well in the marks yet to come out. It is apparent to me, a guy who never wins any prizes himself for grey matter, that he is in no mood for clicking the dentures.

The other guy is a little geezer who looks about as unhappy as a graduate who steps into a job at four gees per. He is practically dancing on the sidewalk (and, if I am permitted to say, doing a good job thereat, too). This, however, upsets the decorum of early morning Mass. Avenue and the nearby Sargent dorm more than somewhat.

Now, I hasten to inform you that I am not the big-ear type. Still, I always manage to have a few minutes to trot along when something interesting comes my way, so I unhitch myself from the front window of the hashery, and tag along about three lengths behind.

"Awright," barks the Long John, "can the chatter while I try to figure out the difference between Present Recollection Revived and the Rule Against Perpetuities."

It is apparent to one and all and sun-

dry that he is very unhappy—maybe even a "58-man."

However, this blunt statement, which I will be always willing to take as a hint, makes no impression on the shorty, who keeps right on chirping, and, if I say so, does an excellent job of clacking the enamels.

"I hope those dopes who sit in front of me pay attention this morning," the little geezer spouts. "It's kinda hard to concentrate on that stuff when they sit you in the rear of the room."

The tall joker grunts, and tries to figure out his problems. He evidently begins to revive some present recollections, for he orbs one of the cute little dolls heading from Mass. Avenue toward the West Wing. The shorty keeps chattering, but catches on and nudges the Long John.

"And you a married man," he jokes, at which time I think I am best on my way, since I am not the kind of guy who wishes to be roped into anything as an innocent bystander. However, the beanpole understands that no offense is meant, and the two of them turn down the path between the church and Hastings.

"Frankly," pipes up the runt, "I can't see the value of any of that stuff they toss at us. I gotta future to think of, and I do not desire any malarky. I want something which I will be able to use, something of a practical nature."

At this, the tall joker smiles. He bends over, kisses the runt, pats him on the back, and they separate. The Long John goes toward Langdell South, and the little geezer waddles into the Nursery School.

Nat B. Taft

|                                                                                                                                |                                                                                                                                                                                                                                                       |                                                                                                                                                               |
|--------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>LAW</b><br/><b>OUTLINES</b><br/><b>ON ALL</b><br/><b>COURSES</b><br/><b>AND</b><br/><b>LAW</b><br/><b>CASE BOOKS</b></p> | <p><b>LAW BOOKS</b><br/>NEW AND USED<br/><b>BOUGHT — SOLD — EXCHANGED</b><br/><b>UNIVERSITY LAW BOOK EXCHANGE INC.</b><br/>28A Boylston St.—Near The Coach Grille<br/>Harvard Square, Cambridge, Mass.<br/>Tel. KI 7-4000 Abraham Isenstadt, Mgr.</p> | <p><b>ANALYTICAL</b><br/><b>CASE BOOK</b><br/><b>DIGESTS</b><br/><b>ON ALL</b><br/><b>LAW</b><br/><b>COURSES</b><br/><b>AND LAW</b><br/><b>CASE BOOKS</b></p> |
|--------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|

**HOTEL CONTINENTAL**  
"One of New England's Best Hotels"  
Cambridge, Mass.

**VISIT PICCADILLY INN FOR RELAXATION, REFRESHMENT AND REPEAT**  
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

**SQUASH RACKETS**  
Largest Variety in New England  
**TENNIS & SQUASH SHOP**  
67A MT. AUBURN ST. CAMBRIDGE  
Opp. Lowell House — Tro. 5417

**LAW OUTLINES**  
**HARVARD BOOK STORE**  
19 Boylston Street Harvard Square  
opposite Western Union

In the current issue of

## HARVARD LAW REVIEW

A Practical Analysis of the New Tax Act

### Federal Taxation of The Family—The Revenue Act of 1948

By Stanley S. Surrey  
Professor of Law, U. of California  
Authoritative — Detailed — Exhaustive  
Reprints of this 68-page Article may be Obtained  
At Gannett House or by Mail. Price 50 cents

Fill out and Mail this Coupon Today

Harvard Law Review Association  
Gannett House  
Cambridge 38, Mass.

Please enter my subscription to the Review at \$5.50 per annum, beginning with the November issue.  
Enclosed find check for ..... and please send me..... reprint (s) of Prof. Surrey's article.

Name .....  
Address .....

These well-known brands are represented in the offerings of our new men's clothing department.

**WORSTED-TEX**  
**KNIT-TEX**  
**BOTANY 500**  
**ALLIGATOR**  
**WINTER-TEX**  
**McGREGOR**  
**MICHAELS STERN**  
**JOSEPH & FEISS**  
**LONDON WEATHERPROOFS**  
**MT. ROCK**

The new location of this department is on the second floor—reached by the elevator in the front of the building. This move has allowed us to greatly increase the clothing stock offered for your selection, the doubling of the floor space and the modernizing of the fixtures. You will find this department easily accessible and comfortable for your shopping. The clothing offered for your selection is of excellent quality for material, tailoring and style.

Suits and topcoats are priced from \$45.00, overcoats from \$48.50. You are cordially invited to visit this new department.

# The COOP

Concentrate Your Buying—Build Your Patronage Refund

## Calendar

### LEGAL WORLD Law Wives

Mrs. Griswold will give a tea, to which all law students wives are cordially invited, today from 4:30 to 6:30 p. m., at Kendall House.

Mrs. M. B. Baker, Advisor for Veterans Wives, will speak to Law Wives on *What I Can Do for You*, Wednesday, October 20, at 8 p. m. in Kendall House.

### Ames Competition

Thursday, October 15: Fact Conferences for 1st Year, Rounds IA, IB. Facts issued for first year Rounds IIA, IIB.

Wednesday, October 13: Facts Issued for first year Rounds IIA, IIB.

Friday, October 15: Fact Conferences for first year Rounds IIA, IIB.

Monday, October 18: Fact Conferences for first year Rounds XXX 3A, 3B, first year.

### OUTSIDE WORLD Piano Concert

Maxim Schapiro, pianist, will give a recital at the Gardner Museum, Sunday, October 17, at 2 p. m.

### King's Bench

King's Bench is having open house for first year men Tuesday, October 19, at 4

p. m., in Kendall House. All first year men are invited to attend the smoker (with beer) and meeting.

### Football

The Law School Football League got under way Monday with seven six-men teams, William D. Eberle 3L, PBH Athletic Chairman, announced. Any other teams are still welcome.

### UNIVERSITY WORLD Observatory

The Harvard College Observatory at 60 Garden Street, will hold a series of five open nights, the program each night consisting of a short non-technical talk and telescopic observation, weather permitting.

Thursday, October 28: *The Birth of the Solar System.*

Tuesday, November 2: *The Milky Way.*

Wednesday, November 3: *The Sun, an International Resource.*

Monday, November 8: *A Trip to the 200-inch Telescope.*

Wednesday, November 10 (Children's Night): *An Illustrated Story of the Moon.*

The first four lectures are at 8 p. m., with the last at both 7 and 8 p. m. There is no admission charge, but tickets must be obtained in advance by sending a stamped self-addressed envelope to Open Nights, Harvard College Observatory, Cambridge 38, stating for which night tickets are desired. Tickets for one night only will be sent, and no more than three tickets to one applicant.

### DALTON-ELCOCK BAR REVIEW

The Fall Review, preparing candidates for the Massachusetts Bar Examination to be held late in December, will begin Tuesday, October 12, 1948.

For information write:

Dalton-Elcock Bar Review  
Ten Post Office Square, Room 715  
Boston, Massachusetts  
Telephone HA 6-2850

### POLL—(Continued)

the curriculum at the Law School, to study plans for a new dormitory and the proposed War Memorial and to investigate athletic charges and medical services. Less long-range functions of the Association might be to consult with the administration as problems arise, to coordinate and foster student activities that now exist, and to serve as a representative of the Law School at inter-scholastic and law conferences.

At a consultation with Dean Griswold, who remained non-committal as to the administration policy on this question, it was decided to poll the student body to ascertain whether the desire for an organization was widespread. The results of the poll seem to show a genuine desire for it.

While no specific form for the proposed organization has crystallized, the general opinion of the council seems to be that an Executive Board of about 20 members is desirable, with about 12 elected from the various sections of the first, second, and third years, and the rest from the existing student organiza-

### RADIO—(Continued)

Other faculty members include Professors Gaus and Lambie for Government; Professors Parsons and Handlin for Social Relations; Professor Seligman for Geography; Professor Perkins for City Planning; and Professors Matthiessen and Ciardi for English.

Group chairman Jerome Rappaport entered the Law School at the age of 18 under the 7-year program whereby college and law school work could be done concurrently. During his first year he founded the Harvard Law School Forum which has brought to the school a series of leading speakers on current issues in such fields as politics, social relations and religion. The following year he headed one of the panels in the Conference on Legal Education at Columbia. Rappaport completed his seventh term at Law School this summer although he still has one term before he completes Harvard College. He is a strong believer that students can engage in extra-curricular activity without detriment to their scholastic standing. Rappaport himself stood number ten in the class in his first year and in his sixth term had an average of two points better than A. Though he realizes that this Radio-Group is non-professional, Jerry Rappaport believes that the group has the talent and enthusiasm to make the documentary series of real value to the radio listeners.

### PATRONIZE RECORD ADVERTISERS

### Coach Grille

HARVARD SQUARE

"Where the Law School  
Meets to Eat"

FOUR DINING ROOMS

BANQUET ROOM FOR ALL OCCASIONS

RESERVATIONS CALL TR 6-0613

### RACKETS RESTRUNG

ONE DAY SERVICE  
Air Pressure Machine

TENNIS & SQUASH SHOP  
67A MT. AUBURN ST., CAMBRIDGE

### TOURS CRUISES

AIRLINE-TRAIN  
RESERVATIONS

UNIVERSITY TRAVEL CO.  
Harvard Square-Kirkland 1650

tions. The men from the organizations would provide a stable nucleus for the new organization. By electing men from sections it is hoped that ballyhoo will be kept to a minimum and the students will be able to contact their representative and be contacted by him easily.

Future action by the Law School or the council has not been announced, but is now being formed. Roger Henselman, of the Board of Student Advisers stated that all suggestions will be welcomed by him at the Board of Student Advisers' office.

A Public Trust Since 1896



Made-to-Measure  
Ready-Made

Domestic and  
Imported Furnishings

The Clothing Men Want . . .

## Langrock Suits and Topcoats

Ready-to-Wear

Fine Imp. Flannel Trousers Made to Our Specifications  
\$17.95

Hand Knit Imported Sleeveless Sweaters  
Were \$21.50 . . . . . Specially Priced \$12.50

SUITS  
from  
\$65

Sportcoats  
Slacks  
Sweaters  
Shirts

TOPCOATS  
from  
\$45

LANGROCK

20 HOLYOKE ST.

NEW HAVEN  
PRINCETON

WASHINGTON

NEW YORK  
PROVIDENCE

### 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

### THE MISSES LITTLEFIELD

HARVARD SQUARE

PROFESSIONAL TYPISTS

4 Brattle Street  
Harvard Square

Tro. 7495

### DAUMIER DRAWINGS

FOLIO OF 24 DRAWINGS ON "LAW AND JUSTICE"

Each 9 3/4 in. by 14 in., Suitable for Framing

French and English titles in accompanying pamphlet

\$5.50 mailed



—Vous aviez faim . . . vous aviez faim . . . ca n'est pas une raison . . . mais moi aussi presque tous les jours j'ai faim et je ne vole pas pour cela! . . .

—So you were hungry . . . so you were hungry! That's no excuse! I'm hungry myself almost every day but that doesn't make me steal . . .

Orders accompanied by checks should be sent to NEW PRESS, HARVARD LAW SCHOOL RECORD, AUSTIN HALL, CAMBRIDGE 38, MASS. Allow three weeks for delivery.

## 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

## HELLO, LAW SCHOOL

We've Got the  
Bicycle Built for You!



First thing you've found out is that everything is spread all over the place. The Houses — the Yard — Radcliffe Quadrangle — Radcliffe Yard — the beer parlors — they're a long, long way apart.

Don't Hike—Bike!

Take it easy, take it fast, and ride one of our bikes. We've got the bike that was built for you, the one that will take you to classes, home for lunch, to the Stadium, and to Radcliffe Yard.

It's better than an alpenstock. Or a sled harnessed to a squad of huskies. Or a helicopter.

So come on in and buy that bike. It will be your best friend for the next three years.

### 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