

The Harvard Law School Record

VOL. I, NO. 1

CAMBRIDGE, MASS., WEDNESDAY, JULY 17, 1946

PRICE TEN CENTS

ASSOCIATION HEAD URGES ALUMNI ACT

R.H. Smith, Treasurer of Graduates Organization, Seeks Improved Liaison

Failure of the administration to encourage the active organization of graduating classes and maintenance of a vigorous alumni movement among the graduates of the Law School were criticisms made in a recent interview by Reginald Heber Smith, LL.B. '14, leader of the Boston Bar and Treasurer of the Harvard Law School Association. Mr. Smith described as a lost opportunity this neglect of the alumni body, pointing to the success of the reunion program of his own class and their eagerness to participate in such activity.

The creation of an active Alumni Office at the School with a full-time Secretary to coordinate the activities of class secretaries and supplement their efforts with some type of regular publication would be decisive steps in this direction.

This criticism of the present lack of system and the suggested remedy is in no way a reflection on the present Harvard Law School Association, Mr. Smith made clear, but is a proposal for marked expansion upon it as a framework.

The Harvard Law School Association at present comprises 4,000 members, headed by Robert P. Patterson, Secretary of War, and has made many notable contributions to the welfare of the Law School. It is currently engaged in a campaign to secure for the School a dormitory for exclusive use of the law students.

By the efforts of this Association a capital account of more than \$52,000 has been accumulated. The income from this account, plus that from annual dues and contributions provides the Association with a fund which is placed at the disposal of the Dean for many purposes: as many as ten first year scholarships of \$400 each, the purchase of rare books for the library, publication of the Quinquennial Law School Directory and payments for the prominent members of the Law School Faculty. At the time Dean Emeritus Roscoe Pound retired as active head of the School the Association initiated a campaign to provide a Roscoe Pound Chair of Law and raised \$50,000 to begin the endowment fund.

It was in July, 1886 that a small group of Boston lawyers conceived the idea of an Alumni Association to be made up of Harvard Law School graduates. Darwin E. Ware LL.B. '55, was appointed chairman of an organizing committee which included Louis D. Brandeis LL.B. '77. The graduates of the School all over the country were circled as to their interest in such an undertaking, and the enthusiastic response led to the call for an organizational meeting which convened in the rooms of the Boston Bar Association on September 23, 1886. Louis D. Brandeis was elected Secretary pro tem and committees were appointed to nominate officers and draft a constitution. This work was shortly completed and presented to the first general meeting of the new Association on November 5, 1886.

The fall of 1886 had seemed particularly appropriate to the founders because the University was celebrating the 250th anniversary of the founding of Harvard College. The meeting on November 5 was made the occasion for a gathering of distinguished leaders in the field of law, and after the business of voting on the constitution and electing officers had been disposed of, the Association and its guests moved to Sanders Theatre to hear a stirring oration by Judge Oliver Wendell Holmes. From there (Continued on page three)

KENDALL HOUSE NOW AVAILABLE

Facility May Be Used Freely For Group or Social Purposes

Clarification of the status of Kendall House, the Law School's semi-social center, was achieved today through information released by Livingston Hall, Vice-Dean. Dean Hall hopes that wider use of the premises will result from a more general understanding of the uses to which this facility may be put.

Meetings, bridge parties, teas, informal dances, private parties, informal dinner parties, and law club arguments may be held in Kendall House. Reservations for the use of the various rooms may be had through calling the chairman during the forenoon at KIR. 3292. Such calls should be made a week in advance.

It was emphasized that while the Law Wives have a priority on the use of Kendall House, and are in general operational control, any organization or individual in the School may use the building and its equipment.

Permission to serve beer or intoxicating beverages must be obtained through the Vice-Dean's office, but it was intimated that so long as the privilege was not abused it would be extended without embarrassing inquiry.

Chaperones are required for mixed social functions held by bachelor students, but if the bachelor is unable to procure them the Law Wives organization will recommend one. No one is to be permitted on the second floor at any time (because research is conducted there by Professor and Mrs. Glueck).

(Continued on page three)

Dorr, Boston Lawyer, Offers Reasons Why Landis Resigned

An eminent member of the Boston Bar, the author was recommended by Prof. J. M. Maquire and approved by Mr. Landis himself for the writing of this article.

In educational circles and, indeed, in some business circles there has been considerable speculation as to why James M. Landis should retire as Dean of the Harvard Law School to go to the Civil Aeronautics Board as Chairman. To be Dean of the Law School of Harvard University is not only a great honor, but it has always been regarded like an appointment to the Supreme Court, as a life job and the very pinnacle to which any man of learning or ability could aspire. To leave the rarefied atmosphere of this cloistered intellectual position for the rough and tumble of an administrative Government position would seem to hold no fascination for a person of Dean Landis' marked intellectual ability.

However, the real answer to the question may be found in the character and capacity of the man himself. Graduating from Princeton in 1921 and receiving his LL.B. from Harvard in 1924 and his S.J.D. from Harvard in 1925, Dean Landis' whole career except for brief intervals of teaching has been devoted to responsible executive positions with the United States Government. Let us lose sight of these various activities they are listed below:

Expert attached to House Committee of Interstate Commerce in drafting of Securities Act, 1933.
Member of Federal Trade Commission, 1933-34;
Member of Securities and Exchange Commission, 1934-37 and Chairman 1935-37;
Member of National Power Policy Commission, 1937;
Member of President's Emergency Board on National Railway Strike, 1938;
Trial Examiner, U.S. Department of Labor, 1939;
Consultant, National Advisory Committee, 1940;
Consultant, War Department, 1941;
U.S. Regional Director (First Corps Area), Office of Civilian Defense, 1941;
Director of Civilian Defense, 1942;
Minister, Director of American Economic Operations in the Middle East, 1943-45.

From this it will be seen that the great bulk of Dean Landis' experience and training has been in important positions of public trust of far-reaching significance in the service of the United States Government. In many of these positions there have been new trails to blaze, new hitherto untried methods to develop, new horizons of imagination to be envisaged, to be sought after and to be translated into realities. All of these fields as Dean Landis has explored them have developed the very real executive powers that lie within the man himself. Almost all of these positions have been implemented with the great power of the United States of America and many of them have led him to glamorous, unexplored fields of progress with

the eventual aim of the betterment of the conditions of mankind.

Although Jim Landis has been but a short time and, over a decidedly interrupted period, Dean of the Harvard Law School, nevertheless in that meager period he has demonstrated his very real ability for organization, and the service that he has thus rendered Harvard is outstanding.

It must not be lost sight of that although he is a quiet man and gives the appearance of having a somewhat diffident nature, nevertheless his ideal conception would be to devote his life to a larger public service in the best sense and with all that such service implies. That such a service should carry with it the power and authority to get things done, that it has the romantic appeal of being the instrument and representative of the greatest republic in the world, that it carries the satisfaction of a job well done that benefits all humanity must all be things that lie very close to the heart of this very sensitive and great man.

Therefore, it should cause no surprise or wonder that at a sacrifice in remuneration and a very real sacrifice in living conditions Dean Landis should take on the tremendously important job of being the executive officer of the Civil Aeronautics Board. Aviation is, indeed, in its infancy, and, as the designs on the drawing boards of aircraft of today are obsolete tomorrow, so are the rules and regulations which must be arranged for the orderly control of airships and routes and rates and facilities ever changing to keep the pace with the rapid changes of the drafting room.

What a world of service lies ahead for the man willing to undertake the administration of this new means of transportation. What power lies ahead for such a man of good will simply and fairly to lay down the rules for both commercial and civilian aviation. Let your imagination trifle with the notion that the most distant point from Cambridge is at most sixty hours of flying under present conditions and then consider that the engineers are already designing and preparing to make into realities speed in the air that will be faster than sound. Take a map of the world and draw straight lines from Washington through the capitals of all the leading countries of the world and then suppose that you were the person in Washington who held in his hand the destinies of those hundreds of thousands of people and those millions of pounds of freight and express that will eventually traverse these lines. And then ask yourself, would you rather be Dean of the Harvard Law School with the lifetime security of that well paid position and all the social joy and distinction that is so much an important part of university life? Or would you rather be the potentate of that illimitable empire which is the air space of the world? Under all the circumstances, Dean Landis' conclusion seems a natural decision for him to reach.

Dudley H. Dorr of Hale and Dorr
60 State Street, Boston

GRISWOLD FACES VARIED ISSUES

School's Administrative Head Pledges Retention of Standards

Maintenance of the high standards of the Harvard Law School during the postwar period is the immediate task faced by Erwin N. Griswold who on July 1 was appointed as dean of the law school to succeed James M. Landis.

Despite the fact that the school is faced with record enrollment figures which will place a tremendous strain on the law school facilities, Dean Griswold has no illusions as to the weight of the burden that will fall on the faculty and facilities and promises returning veterans that every effort will be made to maintain prewar standards.

Dean Griswold who has just passed his forty-second birthday was graduated from Oberlin College in 1925. He then attended Harvard Law School where he achieved an excellent academic rating and became president of the Harvard Law Review Association. He received his LL.B. degree in 1928, and then studied for his S.J.D. degree which he received from the law school in 1929. During the same year he was admitted to the Ohio Bar and for a time was connected with the Cleveland firm of Griswold, Green, Palmer, and Hadden.

After a short period of time had elapsed, Dean Griswold left private practice and became an attorney in the office of the Solicitor General, and later held a post as special assistant to the United States Attorney General in Washington, D. C. He occupied these positions in the public service from 1929 to 1934. In 1934 he returned to Harvard as an assistant professor of law and was elevated to a full professorship in 1935. His appointment as Charles Stebbins Fairchild professor of comparative law was announced last spring and became effective July 1.

Dean Griswold is the author of "Spendthrift Trusts," published in 1936 and "Cases on Federal Taxation," published in 1940.

Students interested in working on the Record are notified of a meeting in the Record offices on third floor of Austin Hall at 2 p.m., Monday, July 22, 1946. Candidates for either editorial or business positions will be welcome. First and second term men are invited, but they are not eligible for Board positions until they have completed the second term with a 62 average or above.



ERWIN N. GRISWOLD

TWO PROFESSORIAL CHAIRS AWARDED

Ralph Baker Given Fessenden; E. Merrick Dodd Gets Weld

Appointment of Professors Ralph Baker and Edwin Merrick Dodd to endowed professorships constitutes another milestone in the academic careers of these distinguished scholars.

Effective July 1 Professor Baker became Weld Professor of Law and Professor Dodd assumed the Fessenden Professorship.

Of the ten endowed professorships now currently held, the Weld professorship which goes to Professor Baker is one of the oldest. The late Oliver Wendell Holmes was its first holder. Following in order were James B. Thayer, Samuel Williston, and Joseph Warren and Edward Warren. Since the death of Professor Edward H. Warren (The Bull) in 1943 this professorship has been held open. Professor Baker previously held the Fessenden professorship.

The Fessenden professorship, which now goes to Professor Dodd, is the latest of the endowed professorships, beginning in 1941 with Professor Baker.

The other endowed professorships and the men now holding them are as follows: Fairchild Professor, Dean Erwin N. Griswold; Story Professor, Thomas Reed Powell; Bussey Professor, Warren A. Seavey; Royall Professor, Edmund M. Morgan; Dane Professor, Austin W. Scott; Bemis Professor of International Law, Manley O. Hudson; and Langdell Professor, Zechariah Chafee.

HIGH RANKERS NAMED FOR REVIEW, STUDENT BOARD

Grade Averages Better Than 73 Win Adviser Positions For Nine

Albert L. Goldman, '46, Chairman of the Board of Student Advisers today announced the names of nine new members of the Board. Those selected for the School's second most distinguished student organization are Daniel F. Pariser and Edmund J. Skorupski, last terms; Lawrence M. Levinson, James W. Perkins, Clyde O. Martz, Robert Kronen and John E. Massengale III, third terms.

New members of the Board are selected from those having grade averages between 73.00 and 74.49 and who have met the minor requirement of having participated in the Ames Competition for at least two terms.

In order to remain on the Board members are required to maintain averages of 67 during the term following their selection. Thereafter no specific scholastic standard must be met.

Members of the Board are expected to spend between thirty and forty hours a week working exclusively for the Board while the Ames Competition is in full swing. The work requirement decreases toward the end of the term to thirty hours a week, and three weeks before the end before finals it virtually ceases until the beginning of a new term.

Selection of nine men represents an increase in Board strength from seventeen to twenty members. Four of last term's Advisers were graduated and two men failed to meet the minimum requirements. Normally only four men per term are chosen.

New officers elected for the Summer term are Albert L. Goldman, chairman; J. Frederick Hoffman, chairman, first year committee; John J. Delaney, chairman, second year committee; Henry J. Smith, Jr., chairman, first year facts committee; William F. Quinn, chairman, second year facts committee; Frank M. Coffin, Treasurer. Other members of the Board are: James Bruce, Jr., Joshua Jacobs, George Minikin, John J. Shea and L. Win Alberts.

Officers are elected from a list prepared by the retiring Chairman of the Board and submitted to and approved by Dean Griswold. "The policy of elective offices is an assurance of congeniality to the Student Advisers; the recommendations of the Chairman make for stability, and the faculty sees to it that we don't have stability at the expense of competence," says Goldman.

Starting from a spontaneously formed group of law clubs in 1820, the moot court argument program managed by the Board became its official charge in 1910. The size of the Board's work is attested by the fact that 95% of the first term men and 75% of the second term men voluntarily participate. The Board's importance to the student body is perhaps the greatest of the autonomous student organizations.

LEGAL AID REOPENS; ELECTS OFFICERS

Large Number of Cases Brought Society: New Members Elected

Election of officers for the next academic year marked the culmination of a semester of post-war-renewed activity of the Harvard Legal Aid Bureau. Chosen were Joseph H. B. Edwards, President; Louis A. Toepfer, Vice-President; Walter H. Glass, Secretary; Robert E. Bingham, Treasurer, and Davison F. Dunlap, Senior Director.

In addition, the following new members were chosen: Mac Ashbill, Robert S. Ivie, Carol Hammet, Alexander D. Hargrove, John Canian, Jr., George G. Morton, Jr., Frederick M. Myers, Calvin P. Sawyer, William F. Spaulding, Arthur Stambler, Samuel M. Fahr.

Reopening on April 1, after the war years' shut down, the Harvard Legal Aid Bureau received one hundred and twenty cases in its initial five weeks of operation.

The Bureau, organized in 1912, and incorporated in 1914, to help members of the community who are unable to hire an attorney in cases where legal services are needed, is staffed by student members who are chosen on a scholastic basis from those students next in standing after the members of the Law Review and the Board of Student Advisers.

Bureau offices and library are located in Ganett House. Staff members are assigned office hours during which they take cases and serve as counsel for clients arriving during their office hours.

Through an interpretation of the Massachusetts General Laws, Bureau counsel are allowed to practice before the Massachusetts courts. The members of the Bureau are advised by and their work is under the supervision of Mr. Edward J. LeCam, a practicing attorney who is on the staff of the Boston Legal Aid Society.

Cases presented to the Legal Aid Bureau vary from routine legal form preparation to involved domestic difficulties, property tangles, and the ubiquitous landlord-tenant controversy. The Bureau does not accept criminal actions, bankruptcy or industrial compensation applications.

Responsibility of counsel for the cases he receives is complete from initial interview until final disposition. Cooperation with local welfare agencies is close, especially in the domestic relations field where the social desirability of the action requested must be affirmatively shown before the counsel will proceed.



JAMES H. WILSON

TOP AWARDS GIVEN TO SIX REVIEW MEN

First Students Win Coveted Honors as Dean Reveals Academic Success

Dean Griswold announced the following recommendations to the Harvard Corporation for the annual scholarship awards: Sears Prizes of \$400 each for the most brilliant work in their classes were awarded James H. Wilson and Mallory R. Smith, second year; Joseph Riggs Creighton and James M. Weinberg, first year.

The Joseph H. Beale Prize was awarded to Wilson Thaddeus Coleman for his having the best blue book in the Conflict of Laws examination. The Samuel Phillips Prescott Fay Diploma has been presented to Lawrence F. Ebb for his having shown through three years of law school by his scholarship, conduct and character the greatest promise of the graduating class.

All but one of the honors given this year go to present or former members of the Law Review. Weinberg has left School for the summer but is expected to resume his work in the fall when he too will become a member of the Review. The awards are made by the faculty solely on the basis of scholarship and are presented without regard to the pecuniary means of the student recipients.

Sears Prize winner James H. Wilson is a resident of Americus, Georgia. He graduated from Emory University in Atlanta at the age of nineteen majoring in history. He spent four years in the Navy during the war, serving principally in the Pacific as Operations Officer of a destroyer squadron. He was released from the Navy last fall with the rank of Lieutenant. Wilson is the incumbent president of the Harvard Law Review and is the former Note Editor.

Mallory R. Smith comes from Greenville, S. C., and graduated from Furman University in 1939. Smith served on the Law Review and is currently Note Editor. A hard-driving legal scholar, Smith also spent four years with the Navy.

(Continued on page three)

POUND EMBARKS ON CHINA TRIP

Will Reorganize Judicial System At Request of Chinese Ministry

Advising the Chinese Ministry of Justice on matters of judicial reform is the latest important assignment undertaken by 75-year old Roscoe Pound, Dean Emeritus of Harvard Law School.

Dean Pound and Mrs. Pound flew to China from San Francisco during the latter part of June. He expects to remain there this summer, and will return to Harvard this September to teach until June of 1947. He then expects to return to China for as long as needed.

According to the request received by Dean Pound from Kwan-Sheng Hsieh, Chinese Minister of Justice, his work in China will consist of giving advice and supplying materials on matters of judicial reform and other matters within the jurisdiction of the ministry.

Dean Pound is well acquainted with leading Chinese jurists, having made two previous visits there in 1937 and in 1938. Also, a number of the lawyers in the Ministry of Justice are former students of his at Harvard. A number of his writings have been translated into Chinese, including "The Scope and Purpose of Sociological Jurisprudence," "Introduction to the Study of Law," "Interpretation of Legal History," and "Jurisprudence."

Internationally recognized as one of the outstanding champions of progress and humanity in law, Dean Pound has been much sought after as a lecturer in foreign law schools. He has lectured in all leading English Universities, and in Australia, Germany, Italy, Holland, and France. He also is a member of a number of foreign professional organizations, and is a corresponding fellow of the British Academy.

James H. Wilson Takes First Honors With 83 Examination Average

Election of James H. Wilson, Jr. '47 as President of the Harvard Law Review whose term of office commences with the Summer term has been announced by the retiring Board of Editors. Wilson steps into the School's top honorary position with one of the most brilliant scholastic records ever attained by a Harvard Law student. Through one full year and two terms Wilson has maintained an average of 83.5; his grades for his first year being 85, for his third term 85, and for his fourth term 80. In addition to keeping his grades in the A bracket, Wilson served as Note Editor of last term's Board of Editors. He succeeds Lawrence F. Ebb as President.

As the new president of the "Bugle," Wilson takes over a staff decreased from thirty-three to thirty. The new members are: Joseph R. Creighton, Oscar W. Hauserman, and P. N. Teige, third term men; Leonard Joseph, Richard S. Lane, and Joseph T. Maiorillo, fourth term men; Ernest J. Sargeant, Ralph O. Winger, and D. Bret Carlson, fifth term men. Of these men, Teige and Joseph are returning veterans who had the requisite grade averages to serve on the Review but left school before the war. Carlson, Maiorillo, Winger, Sargeant, and Lane are returning veterans who have had prior service on the Law Review.

Normally there are approximately forty members of the Board of Editors, but during the war, membership dropped to as low as five. Members are selected solely on the basis of scholastic standing, this term's standard being a grade average of 75. The standard is flexible, depending upon the enrollment in the school and the discretion of the Board of Editors themselves. In order to maintain membership, reviewers are required to have high scholastic standing. Fifty-nine bound volumes of legal research, a subscription list of five thousand, and an extremely distinguished list of former editors testify to the calibre of men selected for the Board.

The following Board members have been selected by Wilson and the retiring staff to serve as the new Board of Editors: Treasurer, Peter K. Morse, succeeding James Lake; Case Editor, Mallory R. Smith, succeeding Morse; Note Editor, W. Covington Hardee and Ralph P. Semenovitch succeeding Wilson and William P. Reiss; Book Review Editor, Richard L. Rykoff.

Returning editors and new members have enabled the Board, for the first time since 1942, to place the necessary emphasis on student written work, according to Wilson "With the small wartime staffs it was impossible to devote sufficient attention to a full scale student written section and still attend to the other section of the Review," said Wilson. "Issue Number 4, April, 1946, is the first one since the war to contain notes, recent statutes, and full coverage of recent cases prepared by students, and subsequent issues will continue the practice."

Issue number 5, May, 1946, will be the first issue produced in its entirety by the incumbent Board of Editors. It will include an article by Robert Stern, now with the Solicitor General's Office, on commerce clause litigation in the Federal Courts. Mr. Stern argued many of the cases which he discusses. Louis Jaffe, Professor of Law at Buffalo Law School analyzes the "Public Rights" doctrine as used by the courts in administrative law, with particular emphasis on labor law rulings. Former Harvard professor and present head of the American Bar Association's Committee on Refresher Courses for Veterans, Sidney Post Simpson, perhaps better known to first term students as Simpson of Scott and Simpson, advocates extensive post law school training for lawyers and discusses modern academic techniques as applied to the study of law.

1477 MEN REGISTER IN SUMMER SESSION

Predominately Vets; Age Average Increases From Prewar 23 to 27

Registration of 1,477 men for the Summer term marks the School's return for the first time since the war to a normal complement of students. The low ebb of enrollees was reached during the year 1944-1945 when only forty-seven men registered as aspirants to the bar. The largest enrollment in the School's history was for the year 1929-1930 when 1639 students registered. Normal size for the student body during the '30's was close to 1,450.

This term's war record represents an increase of 288 over the preceding registration period, the second and third terms absorbing most of the increase. Tabulated below are the distribution figures:

	June, '46	Feb., '46
1st term	374	458
2nd term	487	300
3rd term	229	63
4th term	77	102
5th term	112	100
6th term	100	40
7th term	8	2
Special	41	69
Graduate	19	27
	1,447	1,159

(Continued on page three)

The Harvard Law School Record

Published weekly on Wednesdays for twelve weeks of each term by *The Harvard Law School Record*, Austin Hall, Cambridge 38, Massachusetts. Subscription price: \$2.00 per term mailed, \$6.00 per year mailed; student subscription, \$1.50 per term mailed, \$1.00 per term distributed at the Langdell Reading Room Desk. Business and Editorial Offices, Austin Hall, Cambridge 38, Massachusetts. Telephone: KIRKland 7600, extension 133.

Crimson Printing Company, 14 Plympton Street, Cambridge 38, Mass.

CHARLES O. PORTER, President
CHARLES G. SWEET, Editorial Manager
PAUL F. HELLMUTH, Business Manager

CHARLES W. DAVIS, Advertising Manager
RINALDO A. CAPONE, Circulation Manager
ROBERT C. TRUMP, Treasurer
HERBERT BERMAN, News Editor
THOMAS J. O'TOOLE, Articles Editor
DAVID M. OLDS, Alumni Editor
GEORGE N. LEIGHTON, Current Case Editor
SEYMOUR S. EPSTEIN, Letters Editor
ALAN NEIL SCHNEIDER, Calendar Editor

Staff: C. Duane Aldrich, Morton B. Braun, John Cancian, Irving Constant, R. W. Culbert, Nathan C. Fitts, Richard Flesoon, Loren E. Juhl, Harvey Karlin, Clark S. Lyon, John C. O'Byrne, James L. O'Dea, Samuel Schwartz, Nathaniel Tepp.

Editorials

THE TASK OF THE LAW STUDENT—

Abandon all else ye who enter here, the incoming law student is told. Eat law, drink law, sleep law, breathe law. The old one-third mortality bogey lurks ominously in the offing and the advice is invariably taken. It is fitting that professional training should require a man's best efforts, but this obsessive compulsion may result in his adopting a narrow version of the law in terms of the task. Law, for practical purposes, is that which makes points on the examination paper. Casebooks, lectures and collateral reading contain the law he needs, the student assumes, yet who would deny that the teacher's intuitive evaluation of an examination paper exacts more than the results of reading, outlining and memorizing? "Don't read, think for yourself," is Professor Seavey's favorite admonition to the student.

Discussion outside of class, both informally and as a part of the Ames Competition, plays a notable role in the acquiring of perspective, the ability to adapt principle and decisions to concrete cases and to isolate competing interests to weigh in the balance. These discussions are unquestionably an essential in the task of the law student.

The Review, the Legal Aid Society and the Board of Student Advisers are all *legal* in the old strict sense of the word. Although their activities are not related directly to examinations, their members have proved themselves sufficiently to allow diversion from the narrow goal for short periods of time. The services of these established extra-curricular activities are indispensable and their histories distinguished. Does the *Record* merit a place beside them? Are labors in its behalf within the proper task of the law student?

The *Record* is meant to be primarily a journal of opinion, but also a vehicle for the news of the School, the students, professors and alumni. It will strive to become a forum for the Law School, its topics ranging the gamut of public interests—sociological, governmental, economic, philosophical, political, moral, international, constitutional and so on, as well as discourses more directly legal in the old cramped sense of the word.

The present members of the Board and their respective staffs have neither the time nor the inclination to write all of each issue themselves. The *Record* was at no time calculated as an organ for the opinions of any one small group. Only if a great many students write articles, letters and items will it prosper. Otherwise it will never live to see even one candle on its birthday cake.

To include the *Record*, then, the traditional task of the law student needs re-appraisal. The matter is less one of re-definition and more one of recognition that legal problems today do not exist apart from the rest of societal life and that cultivated indifference to the societal problems of our age is not a prudent attitude for law students with examinations nor for lawyers with clients nor for whatever work to which the graduate applies his training.

Received ideals, acted upon by courts, correlate with circumstances of time and place. More and more, jurisprudence is reaching out for sociological data to ascertain the evolution and function of the law as a specialized agent of social control in a politically organized society and the foremost safeguard for that society from disintegration into anarchy. These are Dean Pound's words.

Professor Pound, although the leading exponent of the sociological school of jurisprudence, deprecates the establishment of the *Record*. He holds that its publication is outside of the task which a student comes here to accomplish. He cites the case of the student who tried to be drum major in the Harvard band and so failed to pass his examinations. Twirling a baton and founding a journal of opinion for the Law School, according to Pound, are equally foreign to the task at hand. With real deference to his immense wisdom and kindness, we dissent. We believe that the task of the law student today embraces an interest in current affairs and an attempt to hold opinions, however tentatively, about the issues facing our society and civilization. We cannot agree with his assertion that before a man expresses an opinion on a subject, he must first fully understand that subject. For who knows when that understanding comes? "If we would guide by the light of reason," Brandeis once wrote, "we must let our minds be bold."

However rigorously we may contend that Professor Pound is mistaken in his estimate of the *Record*, the bulk of the students may in fact agree with him. It is one thing to demonstrate that the task of the law student subsumes active student support of the *Record* and quite another thing to bestir a man into writing an article setting forth personal opinions on a matter of importance to others. News items and feature stories have their peculiar values, but the justification of the *Record* as a proper chore in the task of a law student must ever be found in bold, articulate essays based on brain-racking and belief.

Old ideas don't die overnight. The men who are responsible for this issue of the *Record* are convinced that their task as law students entails a certain amount of preliminary grappling with the mooted issues of the day. But how many other students, and professors and alumni too, still consider this beside the point? We shall see. Meanwhile we have declared our purposes and we move to a position alongside of the traditional extra-curricular activities of Harvard Law School, a rookie with clumsy hands and an ill-fitting outfit, with little to recommend him but high resolves.

Abandon novels, eschew long week-ends and postpone fervent courtships; make every minute count, the law student should be counselled. But he should not abandon reflecting on the problems of his world. This does not mean that he has to dissipate his energies at the very time he needs them unimpaired and concentrated on the formidable task of a law student. It does mean becoming aware that the law he seeks is as much in his own head and in the heads of his fellows, if he will but look, as it is in the heads of his professors and in the books. C. O. P.

INTRODUCING OURSELVES

Like a girl at her first ball, this issue of the *Harvard Law School Record* faces its public, its future, and an uncertain reception. We enter the arena with maidenly blushes at our own temerity in stepping forward, a blushing not unmixed with roguish glances at some who might dance with us, and a rather coy attitude of "We're here, what are you going to do about us?" We can't dance by ourselves and we really would rather not, but if you'll cooperate, we have something to offer.

What we have to offer depends, obviously enough, on what you give us. First is the price of subscription, one dollar, and if you're reading this over someone's shoulder, your next step should be to find a member of the *Record* staff or come over to Austin Upper and buy your green card. A lecture inaudible in the back of the room is hardly helpful . . . and if we are to justify our existence and our subsidy we should reach all the students, all the faculty, and as many of the

Alumni as possible . . . if not, we are just mumbling to the front few rows.

We aim to proffer a forum for the Law School community; but a forum where few speak elucidates neither the breadth nor the penetration achieved by a forum filled with hotly contesting opinions. So we are asking for letters, and in profusion, to make the next column to this a veritable Hyde Park. Fifteen hundred men can exhume more things which need airing than fifteen.

We need you as a subscriber, we need you as an Observant Citizen who views with alarm, we need your news tips and personal items, but most of all we want the fellow who'll be an "Occasional Contributor." The conclusions of your independent thinking or research, judicious excerpts from interesting written work, the lessons learned in your time overseas or your extra-curricular political activity, can all provide the articles necessary to make this *Record* a worthwhile and substantial publication.

This venture is certainly *sui generis* if nothing else. For the man whose interest in our experiment is more sustained than the contribution of an article or writing of a letter, there is still open the opportunity to compete for a place on the staff and ultimately the Board of the *Record*. Such a man needs more than just a sharp pencil; he should have a little margin from The Axe, a willingness to give a few hours a week to an enterprise from which nobody makes a cent, and an interest in the more dynamic, news-worthy, and public aspects of the law. We don't aim to compete with our elder and somewhat distant cousin next door.

All these things then we ask from you in ascending sequence and diminishing expectancy: your dollar, your criticisms, your suggestions, your contributions of printable matter, your actual participation in our work, and your Blessing. As we get these others so will we become able to merit the last.

C. G. S.

THE 6TH DEAN—

When 42-year-old Erwin Nathaniel Griswold was offered the deanship, he probably hesitated. In other days this honor has been rejected by professors. Austin Wakeman Scott, it is reported, once refused. Williston has written how many persons deplored the time Pound had to spend with administrative work. Dean Griswold has able assistants. Vice-Dean Hall has nine years of experience, minus the war years, in his office. School Secretary Dimmitt, Administrative Assistant Miss Conlan, the library staff and many others know their jobs well. Professor Seavey took unto himself the gargantuan and impermissibly significant job of veterans' relations and admittance (with Professor Dodd's Admission Committee)—a load that might well have landed squarely on the Dean's shoulders. The whole problem of getting under way again in the post-war world with its unprecedented enrollment and full-year schedules is in the lap of the Dean and his staff.

Langdell, Ames, Thayer, Pound and Landis knew similar problems. A law school should train students for the practice of law, Williston wrote, and it is up to the Dean, largely, to define "practice." Alumni relations, curriculum, admission standards, teachers, dormitories, student activities—these are few of the headings for the headaches of a conscientious dean. Professor Fuller's committee is hatching a report on revision of the curriculum. Pound discouraged, Landis encouraged dormitories for the School, but the Jarvis Field site is tied up for four or five years by temporary housing so this project is not urgent, though perhaps the plans should be prepared. Landis raised admission standards in 1937 in order to mitigate the massacres at finals, but the selection and elimination processes are still unsettled. New teachers must be found to replace those about to retire and help bear the additional burden of the accelerated curriculum.

Dean Griswold's fine record as a student, a lawyer, a government counsel whose exploits before the Supreme Court in tax cases are legendary, as a professor and a legal scholar; his integrity (the quality Mr. Landis particularly singled out to praise in his successor on an earlier occasion), and his actions to date, make it plain that the sixth Dean of Harvard Law School has the stature for the illustrious and demanding position.

It is meaningful to point out that the new Dean has taken not even one leave of absence in his twelve years as a professor in the school, although he has appeared before the Supreme Court many times in that period. The Sirens of Washington and Wall Street may comb their hair, sing their songs and wave their checkbooks and titles all in vain. His tenure as Dean will last until he retires. In addition to his considerable personal abilities and strong faculty support, this Dean has an advantage the other five lacked: Dean Griswold will have a weekly newspaper to keep him abreast of student, faculty and alumni opinion and news, which should lead to better understanding all around and hence tend to reduce the deanship's onerous administrative responsibilities to a minimum hitherto impossible. C.O.P.

Letters to the Editor

Letters submitted to *The Record* must be signed as evidence of the good faith of the correspondent. However, names will be withheld at the request of the writer.

Sir:

For the past several years, it has been a strict rule of the Law School that students are not permitted to learn their numerical grades. With the advent of a new administration, and a somewhat different type of student, it might be advisable to reconsider such a rule.

It is not an unnatural desire for a student who has labored over a long period to know precisely what results he has attained. The letters give a general idea, to be sure; but the variance between 63 and 69 (a C), or between 75 and a possible 85 (an A) is large. The mere listing of an average does not disclose which are the subjects in which the student has been somewhat proficient or those in which he has fallen perilously close to a D. Nor has the student any means to check the computation of his average.

For the third year student, the failure to present an adequate comparison between grades carrying similar letters is particularly unfortunate. If the student desires to write a paper in a course already completed, he will naturally tend to favor the courses in which he has done his best work. Where, then, should a student turn if he has received six identical letter grades in his second year? Should he write a paper on "X" in which the instructor has, unbeknownst to him, given him a 63 with reluctance? Or should he write a paper on "Y," in which he was given a 69 only because he was deficient in one part of the course?

It would seem that the answer would be for such a student to interview his instructors. Yet to get a proper answer under the existing rule, he would have to interview each of his six professors. It is submitted that such a procedure is neither desirable for the student nor for the faculty.

A revision of the present rule would also be a benefit to the Secretary's office. Since the official records are kept in numerical grades, each time a manuscript is given to a student, a translation must be made to the appropriate letters. This is done many hundreds of times in the course of a year. Hence it would not be surprising to find that other schools, at their request, in the event a student desires to transfer the personnel of the Secretary's office are in favor of a revision.

It is interesting to note that numerical grades can be given out or continue his studies elsewhere after graduation. BUT those grades must be given out confidentially, with due precaution taken to keep the student in the dark!

One can only surmise at the reasons, if any, which led to the adoption of the rule. Perhaps it was to prevent some recalcitrant student from quibbling over a point or two. If so, it is submitted that the defensive powers of the faculty are grossly underrated, and the efficiency of the method highly overrated. Or the rule may be the outgrowth of the days when a student's expenses were paid by his family based on the theory that "the plaintiff is not the real party in interest." If such be the reason, the rule seems unfair to the typical veteran who is on his own.

Is it really necessary for Harvard to keep the student in the dark?
JOHN C. EARLY, '47

Alumni Notes

(Contributions of news items concerning the activities of alumni are welcomed at the *Record* office, Austin Hall.)

Benjamin B. Ferencz, LL.B., '43, 1943, has accepted a position as Legal Specialist with the American prosecuting staff handling the war crimes trials now underway at Nuremberg and sailed for Europe late in April.

Ferencz will be one of a number of young lawyers working under the direction of the War Department, who are expected to be active in the organization of the trials of the lesser Nazis. These trials are expected to be undertaken on the conclusion of the current proceedings at Nuremberg against the number one Nazi leaders.

During the war, he served as a Sergeant in the Judge Advocate Section of the U. S. 3rd Army and was stationed in Munich. He had been released from the Army only four months when he accepted his present position with the war crimes prosecuting staff.

Born in Transylvania, Rumania, he moved to New York City and in 1940 graduated from the College of the City of New York where he specialized in sociology. Ferencz was a member of the Glueck Law Club.

LL.B. '12—Special tribute to Frederick A. Carroll, A.B. (Dartmouth) '09, who died in an automobile accident near Paris last fall while serving as American Red Cross Commissioner for Great Britain and Western Europe, was paid by Red Cross volunteers in Boston recently. More than 500 persons attended.

LL.B. '12—Arthur J. Santry, A.B. (Williams) '09, president of the Boston Bar Association and a member of the law firm of Putnam, Bell, Dutch & Santry, has been elected a permanent trustee of Williams College.

LL.B. '16—President Truman recently appointed Richard Parkhurst, A.B. (Dartmouth) '16, to the Maritime Commission. Parkhurst will fill the unexpired term of six years (due to run until April 16, 1948) of Vice-Admiral Howard L. Vickery. Parkhurst is a member of the Boston Port Authority.

LL.B. '31—Hyman J. Cohen, S.B. (Tufts) '28, has been appointed by Thomas B. McCabe, Foreign Liquidation Commissioner, as Chief of the Legal Division Central Pacific area for the Office of the Commissioner. Cohen was formerly compliance attorney for the War Production Board and later counsel for the Office of Civilian Requirements. He has gone to Manila under his new assignment.

LL.B. '31—President Truman recently appointed Josiah Marvel, Jr. A.B. (Yale) '27, as U. S. Minister to Denmark. Marvel is a former chairman of the Democratic State Committee in Delaware and a former Captain in the Air Forces. He has also been Secretary of State for Delaware, attorney for the State Highway Department, and assistant city solicitor of Wilmington, Del.

LL.B. '32—The honorary degree of LL.D. was conferred by Brown University on John Sloan Dickey, A.B. (Dartmouth) '29, President of Dartmouth College at Brown's fourth winter Commencement early this year.

LL.B. '37—The Legion of Merit, for exceptionally outstanding service in behalf of the war effort while on duty with the Repairs and Utilities Division of the Office of the Chief of Engineers in Washington, has been bestowed on Lieutenant Colonel Richard C. Cadwallader, A.B. (La. State Univ.) '34. Presentation of the award was made by Lieutenant General Raymond A. Wheeler, on March 6. Colonel Cadwallader was praised for "significantly contributing to the success of the War Department Repairs and Utilities program during the prosecution of the war and the readjustment period following cessation of hostilities." He was relieved from active duty with the War Department on April 1, having completed four and one-half years' service, and has resumed the practice of law in Baton Rouge.

Off the Record

Professor Archibald Cox put a case before the class. It seems that someone filled a towel with soot, and hypothetically, Cox dried his face on it and came lecturing in blackface. He asked his class if an action would lie. "No," a student cried. Then, inevitably, "why not?" From the back of the room, "no harm."

Saturday at 3 the Student Board will play the Law Review at softball for the newly found Oscar Tallman Cup. Details next week.

Torb McDonald, our first Treasurer, had to resign, at least for the time being. He's dropped out of school for the summer to go to California where Mrs. McDonald (Phyllis Brooks) is making a picture. Torb will be lining things up for the VFW.

The AVC dance Friday evening on the cruise boat Mohawk seems to be arousing a good deal of interest, and Irv Kent predicts that quite a law school turnout will result for this outing.

Legal Jive

The law has inspired many a popular song hit, viz:

"I give you my word"—Parol Evidence
"All or nothing at all"—Demurer to the Evidence
"Suddenly it's spring"—Motion for Continuance
"You gotta give a little, take a little"—Consideration
"Don't fence me in"—Easement

Model Footnote: The first footnote in the March, 1946, "model" Ames argument, on page 3 of the defendant-appellee's brief, reads as follows:

*Davis, *Stolen Automobile Investigations* (1938) 28 J. Crim. Law and Sociology 720. The author, an experienced investigator, states (p. 723): "In the final analysis it would seem that any automobile can be stolen if the thief has sufficient opportunity and incentive to do so."

Fables for the Bar

Once upon a time there was a law professor who did not think he was God.

MORAL: E. Pluribus Unum.

Confessions of a Law Wife

Most of the present-day law wives were Army, Navy or Marine wives just a short while ago. It's possible that memories of the auto-curt cottage near the airfield and the P-X bargains are beginning to seem like the good old days. Or maybe it's only more of the same: baby food containers cooling on the window sill, the laundry being scorched dry on the radiator, a formula brewing on the electric plate. But whether novices, cynics, or old hands at coping with the housing problem, any gathering of law wives has an esprit de corps these days that mere husbands could never give it. Life-long friendships are being built on an opening query of, "Do you have a place to live?" For, while our husbands tangle with the minutiae of the law, we wives find ourselves quite thoroughly occupied with the old basic food-clothing-shelter needs. If it's not an apartment, it's stockings, or meat or butter—or perhaps all of them.

Efforts that have been made to get around the shelter shortage make an interesting study in ingenuity. One couple bought a rambling late-Victorian edifice, cleaned and painted it into shape, and now rent out their surplus bedrooms. Another pair have hired themselves out as a couple and, in addition to a place to live, get a salary in return for their housekeeping services. A third couple were able to find themselves rooms—and free rooms what's more—by assisting in the management of one of the college guest houses. Others have sought a more prosaic refuge in boarding houses and luckier ones have worked out kitchen-sharing arrangements.

The first official, government-sponsored solution took the form of the pre-fabricated housing units—affectionately known as the pre-fabs. Those at Jarvis court, adjacent to Langdell, were opened for occupancy on April 22, complete with key-presentation ceremony. They are limited to couples who have at least one child and to a few who will soon have one. Living conditions in the pre-fabs are hardly up to the ideals of anyone's post-war dream home. But to most couples they are a welcome sanctuary from previous living arrangements that

Sub judice

CURRENT CASES—

"Current Cases" is perhaps a misnomer for this column. Our purpose is to present the news in current litigation. We believe that the cacophony of the law as it runs into new factual situations will be of interest to our readers. In this column no attempt will be made to invade the highly cultivated "Recent Case" field. A tentative presentation of the facts, the issues and the status of the litigation will exhaust our treatment of the cases. More intensive and extended analysis will be left to the worthier and, no doubt, wordier writers with which the profession abounds.

REAL ESTATE ON WHEELS

A Ruling in State Tax Law. As an example of how modern technological development will affect traditional legal concepts, consider the recent ruling of the Attorney General of the State of Florida that a trailmobile used as a permanent residence may be taxed as real estate. With characteristic acuity of the legal mind, the learned Attorney General went on to open new vistas of confusion by ruling that if the trailer is used primarily as living quarters, but is still not attached to real estate through utilities connections, the trailer requires no vehicle license, but is subject to taxation as personal property. Quære, whether this ruling will influence characterization of motor vehicle trailers in other aspects of state law. It is apparent that the possible complications are immense.

VETERAN EMPLOYMENT RIGHTS

Super-Senior or Just Senior? As many war veterans have learned, the idea of seniority is not found only in the Army's system of rank. In the current current of litigation, to borrow a Powellism, there is a stream of cases on their way to the United States Supreme Court in which the rights of veterans under the Selective Service Act are put in issue.

Trailmobile Company et al. v. Whirls, 17 L.R.R. 1196, P-H Labor 2424 (C. C. A. 6, 1946). The plaintiff, Whirls, was employed by the A Company in 1935. He entered the service in 1942 and was discharged in 1943. At the time of his induction he was working on an employment contract by which seniority was determined on a departmental basis as of the date of hiring. A Company was a wholly-owned subsidiary of B Company. After Whirls was reemployed by A Company, a plan of liquidation was put into effect and Trailmobile took over the property, assets, goodwill and obligations of A Company. All employees of A Company were transferred to Trailmobile.

Prior to the consolidation of the two companies, the A. F. of L. had been the bargaining agent for the A Company employees. After the merger the combined employees of A Company and Trailmobile selected the C. I. O. as their bargaining representative to negotiate a new contract. The new contract fixed the seniority rights of all the former employees of A Company as of the date of the merger which reduced Whirls's seniority from 1935 to 1944. As a result he was transferred to a lower paid job. Whirls brought suit in the Federal District Court to determine whether the union, by negotiating such a contract, could deprive him of his rights under the Selective Service Act. The District Court held that the plaintiff had the right to be restored to his 1935 seniority status. The defendant, with whom the union filed an intervening petition, appealed to the Circuit Court of Appeals which upheld the District Court.

In affirming the judgment of the District Court, the Circuit Court pointed out that it does not lie within the power of an employer to join with a union acting under the authority of the National Labor Relations Act to defeat the express purpose of the Selective Service Act. The seniority status of the veteran as it existed at the time of his induction into the armed forces cannot be bargained away.

Whether this decision will stand, will depend on precedents fast being established. Compare in this connection the United States Supreme Court decision in *Fishgold v. Sullivan Drydock and Repair Corporation*,—U. S.—May 27, 1946. There the court, affirming the Circuit Court of Appeals, held that under the Selective Service Act, a veteran is entitled to be reemployed with such seniority as he would have had—no more, no less—had he continued on the job during his period of military service.

In *Stanley v. Wimbush*, P-H Labor, Par. 2427 the Circuit Court of Appeals for the Fourth Circuit reversed the District Court in the application of the Selective Service Act to a veteran who had been engaged in a seasonal occupation and had been inducted in the off season. The plaintiff was a sales manager and contact man for tobacco warehouse operators. In his suit for reinstatement the District Court held that he could be reemployed only if he held such a contract as would enable the employer to sustain an action for breach of contract if he had failed to return to the job on his discharge. The Circuit Court reversed the District Court on the broad ground that the intent of the act was to protect the economic position of persons released from military service, and it must override any considerations of the employer's convenience or pleasure.

THE PROOF OF PATERNITY

Blood Tests Will Not Tell. On May 27, 1946 the California District Court of Appeals, *Berry v. Chaplin*, 14 L.W. 2773, looked askance at the expert opinion evidence offered in filiation proceeding and decided that blood tests showing that the accused could not have been the father of the child are not conclusive. The court said that the tests are merely scientific evidence to be considered by the jury along with all the other evidence to be considered by the jury in determining the paternity of the child. The apparent inconsistency of classifying a scientifically determined fact with facts to be found by a jury of laymen will arouse another torrent of abuse as was levelled at *Arias v. Kulensnikoff*, 10 Cal. (2) 428. The court followed the cited case with the observation that though the law review comments of its holdings were critical, its authority had been adopted in California. In the *Arias* Case the court held that blood tests were expert opinion because conclusions reached by the examiner are based upon medical research and involve questions of chemistry and biology with which the layman is entirely unfamiliar. The lesson to be learned from both these cases is that the jury must ultimately answer the question "Was he there?"

The answer to that question was not favorable to Charles Chaplin in his now famous court clashes with his former protegee, Joan Berry. Chaplin's fans will have to determine in the near future whether his fame rests on his ability as a comedian or in his court duels with La Berry.

were usually expensive, inadequate, communal, or just generally intolerable. Within twenty-four hours after the opening, the pre-fabs presented a vista of settled domesticity—with clotheslines sagging under Monday's washing and a formidable line-up of empty milk bottles overflowing the porches.

The approach of a husband, bent double under the bulging green bag, the Langdell lack-lustre and post-graduate pallor heavy on his brow, can usually soften the house-haunted expression in his spouse's eyes. A careful examination of his glazed and blood-shot eyes will invariably reveal to the loving law wife that, as it must come to all law students, utter confusion has descended upon her particular law student.

There is one large and thriving faction among the law wives known as Ones-Whose-Husbands-Take-Constitutional-Law. Their mates apparently all suffer from a similar malady (not believed to be constitutional) and the girls find it very comforting to have open discussions of symptoms, therapeutic measures, possible cures and remedies and whether an ice-pack is more effective than a hot-water bottle.

There is another item that has been not only instrumental in bringing about a universal kinship among the wives, but has also made most of us rabidly enthusiastic about life here in Cambridge in spite of some of its frontier hardships. This is the recurrence of atrocity stories as to what awaits the young lawyer after the School has pushed him from the nest. Horror tales of two year training periods without pay, followed by several years of token wages, and accounts of a legal market glutted with unemployed Harvard law graduates help to create a lasting rapprochement in the law wives group. It also makes those of us who are veterans' wives want to postpone the day when we must leave the cozy security of an assured income of \$90 a month.

Lucy S. Schneider

HON. ROBERT P. PATTERSON
President

FRANK W. GRINNELL
Secretary

REGINALD HEBER SMITH
Treasurer
J. H. WELCH
Assistant Treasurer

HARVARD LAW SCHOOL ASSOCIATION

60 STATE STREET
BOSTON, MASSACHUSETTS

November 6, 1946

Dear Sir:

This will introduce to you *The Harvard Law School Record*, the first major publication devoted to the attainment of a closer understanding among the members of the Harvard Law School group. The *Record* is now beginning its second term of publication.

It is the high hope of the supporters of the *Record* that through the medium of this publication the activities of the Law School will be made known to all members of the Law School family; that the experiences and advice of the alumni can be made available to the students and the School; that the ambitions and aspirations of the future members of the bar can be presented to those who are interested in what the law student is thinking; that topics of general interest to all members of the legal profession may be discussed; and that through this mutual exchange of ideas, a closer and more personal feeling may be fostered among the students, the faculty and the alumni to the greater benefit of the individuals concerned and the Law School as an institution.

Already this newcomer, unique in the nation's law schools, has been praised by our President, the Honorable Robert P. Patterson, Secretary of War, who wrote to the *Record*: "You and your enterprising staff are filling a 'long-felt want', as the patent lawyers used to say."

Kurt Pantzer, member of our Council, wrote: "I have read the first number with a great deal of interest, and wish to confirm what its founders doubtless surmised—that the paper is bound to be not merely a means of reawakening alumni sentiment on the part of the graduates of the Law School, being the spearhead for the coming drive for additional funds for plant facilities, libraries, chairs and scholarships; but the most direct instrument yet devised for obtaining positions for the graduates of the School."

Mr. Justice Frankfurter, Mr. Justice Burton, Murray Seasongood, former Dean Landis, Judge Calvert Magruder, Judge Augustus N. Hand, and many others have endorsed the idea of a weekly School newspaper and its embodiment in the *Record*. Already 600 alumni have become subscribers, in addition to the more than 1000 weekly sales to students and faculty members.

I hope that you will find the *Record* interesting and that you will wish to support it. A subscription card and self-addressed business reply envelope are enclosed for your convenience.

Alumni subscription rates are \$2.00 a term (12 issues) or \$6.00 a year (36 issues).

Sincerely yours,

REGINALD HEBER SMITH,
Treasurer

"The object of this Association shall be to advance the cause of legal education, to promote the interests and increase the usefulness of the Harvard Law School, and to promote mutual acquaintance and good fellowship among all members of the Association."

the personal an or deserv- in England seen the most times served creasingly so ever, a device take this dan- up a special composed of for their dis- fore presum- sion motives. ly contain a distinguished re or more of entist, a top of our im- an outstand- would recom- on January ins who had tions in poli- research (not arts and the d be directed of Honor, escending or more than have the in- l by further l parchment descendants

der it advis- to recom- irst be avail- and a limited ve often re- readily than consideration the President the Honors possible sub- for honor number of y forwarded international country, has or that pur- n American ve it. our dispos- c and "Am- antage of i, tural human ws. Besides s all impor- Medals of tion should tone of our e far more r enhanced for public torchbearers ince, to an- se has been

chosen the best dressed woman in America, or Jenny Doe, the comeliest bathing beauty! As Thoreau once said, "Is it worth while to travel half way around the world merely to count the cats in Zanzibar?" Who knows but that it might become a popular and even a fashionable pastime among those of us addicted to contests, quizzes, conundrums, cross-word puzzles and other brain twisters to make up our own private lists of great Americans and foreigners who have deserved well of society and merited the Presidential Medal of Honor!

Stuart E. Grummon
Redding, Connecticut

REGISTRATION—(Continued)

As yet untalanted returns indicate that this term's students come from about 175 colleges and universities scattered from as far China and Egypt to the Yard across the street. Harvard College leads with a contribution of about one-fifth of the student body. Other members of the Ivy League furnish about one-sixth, and the remaining two-thirds come from schools in proportions which follow roughly the population concentrations of the United States with a considerable discrepancy in favor of New England.

The student body is considerably more mature, the average age having increased from the youthful figure of twenty-three to a wiser and more experienced twenty-seven. This change is reflected in the large percentage of married students and the fact that approximately 98% are veterans.

KENDALL HOUSE—(Continued)

Users of the facilities are required to leave them in clean and presentable condition, and the Law Wives request the cooperation of all visitors to the house with regard to ashes, empty bottles, waste paper and the like. To aid users in cleaning up and otherwise, bus boys may be obtained through Phillips Brooks House with a week's notice.

This opening of the property to general use is in addition to the 12 to 2 cafeteria which the Law Wives already operate for the convenience of those who bring their lunch.

PRIZES—(Continued)

Lawrence F. Ebb is the retiring president of the *Law Review*. A graduate of Harvard College and a resident of Dorchester, Mass., Ebb begins his legal career this fall as a secretary for Judge Augustus Hand of the Second Circuit Court of Appeals.

Wilson Thaddeus Coleman, a *Law Review* Editor, lives in Philadelphia and graduated from the University of Pennsylvania.

Of the two top first year men, Joseph R. Creighton received his B.A. from Oberlin in 1941 and lives in Woodstock, New Jersey, while James M. Weinberg graduated from Stanford University in 1945 with an A.B. degree. He resides in Los Angeles, California.

"GEORGE'S"

The College Grill
Breakfast Lunch Dinner
Soda Fountain Sandwiches
94 Holyoke Street

Before the Ames Court

After a lapse of four years the Supreme Court of the Commonwealth of Ames convened on May 1 in the Langdell Courtroom to hear the semi-final argument in the Ames Competition. Presiding at the plaintiff's appeal in the case of *Cooley Sugar Company v. The Ames National Bank*, was Mr. Justice Raymond S. Wilkins of the Massachusetts Supreme Judicial Court. Sitting as associate justices were Mr. Oscar M. Shaw and Mr. Arthur F. Bickford of the Boston Bar. The case was presented orally for the plaintiff, Cooley Sugar Company, by Charles W. Davis and James D. St. Clair. Of counsel on plaintiff's brief were two other members of the Langdell Club, Thomas P. Ford and Lambert Turner, Jr. The defendant, Ames National Bank, was represented on the oral argument by Harmon Hawkins and John B. Lawless who were assisted on the brief by Llewellyn Evans and Francis Lavery.

The case came up on appeal by the plaintiff, Cooley Sugar Company, from a judgment for the defendant, Ames National Bank, in an action on a guaranty. Cooley Sugar Company which acted as transfer agent of its own stock cancelled stock standing in the name of the Ames Refinery Company and reissued to it a bona fide purchaser. In effecting this transfer the plaintiff relied upon a stock power assignment purportedly executed for the Ames Refinery Company by its treasurer and guaranteed by the defendant, Ames National Bank. When Ames Refinery discovered that its stock had been transferred without authorization, it brought suit in the Superior Court of Ames against the Cooley Sugar Company and recovered \$10,000, the value of the stock. After satisfying this judgment, Cooley Sugar brought this suit to recover its loss from the Bank.

There was no dispute as to the facts as the case was submitted to the trial court without a jury on stipulation. On August 1, 1945 the Board of Directors of the Ames Refinery Company passed a resolution to the effect that in the future certain of the Company's stockholdings, including its holdings of Cooley Sugar Company should not be sold without the approval of the Board of Directors and the stock power was to be executed by the president and treasurer. Certain other holdings could be disposed of in the discretion of the officers, and the treasurer could execute the assignment for the company as before. A copy of this resolution was sent to the Ames National Bank and was in its files on the date the signature guaranty involved was issued.

One month later on September 1, 1945 A.M. Rathbone, the treasurer of Ames Refinery, took his company's Cooley Sugar stock certificate to the Ames National Bank where he consulted Mr. E. F. Marshall, the Bank's vice-president. Rathbone advised Marshall that Ames Refinery wished to sell its Cooley Sugar stock through a New York Curb brokerage firm in New York. Although Rathbone had transacted this type of business many times before and was well known to Marshall, nevertheless the latter followed his bank's custom and checked with another bank official to see if Rathbone was authorized to make this assignment. Unfortunately this other official overlooked the August 1 Board of Directors resolution and reported that Rathbone was authorized to sign stock certificates for Ames Refinery. Rathbone then signed the stock power for the Company as treasurer. Whereupon Marshall stamped the certificate "Signature Guaranteed, Ames National Bank, . . . vice-president" and signed his name in the blank space.

The stock certificate was then sent to the New York brokers who, after checking the authenticity of the Ames Bank's guaranty with its New York correspondent, similarly guaranteed the signature of the Ames Refinery Company. The stock was sold to a bona fide purchaser for value in whose name the Cooley Sugar Company registered the stock. The check for the proceeds was sent to the Ames Refinery Company and cashed by Rathbone who absconded with the proceeds.

This transaction conformed in every detail with present day business, banking, and brokerage practices which are these: Where the individuals with whom they deal are not personally known to them, brokers customarily require that signatures of transferees of stock be guaranteed by local banks who have correspondents in New York City with whom the brokers can check. This is because brokers are required by the Rules of the New York Curb Exchange to guarantee both the authenticity and the authority of their customer's signatures. Banks in such small investment and industrial communities of which Ames is a member customarily keep files of the signatures of those authorized to assign stock certificates owned by their corporations. As an accommodation, banks are willing to do and to guarantee the signatures of their corporate customers after referring to the above-mentioned files.

The trial court gave judgment for the defendant on the grounds that the "guaranty" went no further than to authenticate Rathbone's signature, that a "guaranty" which went to the authority of Rathbone to sign for the corporation was *ultra vires*, and that the Bank was not

SUBSCRIPTION BLANK

Name _____ Date _____

Address _____

CHECK ONE

STUDENT RATES

☐ 11 Issues Delivered at Langdell Reading Room Desk \$.95

☐ 11 Issues Mailed \$1.45

GENERAL SUBSCRIPTION and ALUMNI RATES

☐ One Year Subscription (36 issues) \$6.00

☐ One Term (12 issues) \$2.00

Signature _____

MAIL THIS BLANK, OR PHONE THE RECORD OFFICES
AUSTIN HALL, CAMBRIDGE 38, MASS.
Phone KIRKLAND 7600, EXT. 133

estopped to plead *ultra vires*.

Counsel for the plaintiff maintained that the scope of the Bank's signature guaranty extended to the authority of Rathbone to sell the stock for his company. In support of their argument they adduced the needs and customs of the stock transfer business as set forth in leading treatises and statements from people actively engaged in the transfer business. Counsel relied strongly on *Jennie Clarkson Home v. Mo. K. & T. R. R. Co.*, 182 N. Y. 47 (1905) which confirmed a similar custom to the one at bar between New York City transfer agents and brokers. An attempt was made to persuade the Court to confirm the custom of banks and transfer agents in Ames into law unless some rule of law or public policy would thereby be contravened. The *Clarkson* case was also cited in support of the proposition that a signature guaranty was a guaranty of the correctness of the signature of the party in whose name the stock stands. From this it followed that the correctness of a corporate signature must include authority on the part of the person executing such a signature.

The second and much more difficult hurdle for plaintiff was the Bank's contention that such a guaranty as plaintiff's contend for was *ultra vires* a national bank. In support of this point counsel for the Bank cited the strict federal rule on *ultra vires* and many cases where national banks entered into stock repurchase agreements or guaranteed debts of third persons. Plaintiff met this by attempting to show that in those cases the bank was not in control of the situation as it was in the case at bar. The Bank's files indicated that Rathbone alone did not have authority to effect the transfer. Proper and non-negligent use of this information would have prevented this loss to the plaintiff and saved the bank any liability. Counsel for the plaintiff contended that a guaranty by the Bank that as far as its files indicated Rathbone had authority to sign for the Refinery Company was not at all like the repurchase agreement where the bank guaranteed a security price, something over which the bank really had no control, and would only be called on to repurchase at par if the buyer suffered a loss. Similarly it was contended that this guaranty did not involve any credit transaction at all. In the event that the Court decided that the guaranty was *ultra vires* Cooley Sugar Company contended that the Bank's act was a negligent misrepresentation which would defeat a plea of *ultra vires*.

On the briefs and oral presentation the Court unanimously awarded the decision to the plaintiff-appellant. This entitles the Langdell Club representatives to meet George Leighton, John Canician, Herbert Berman, Daniel Kramer in the final round to be held this summer.

UNIVERSITY THEATRE

HARVARD SQUARE KIR. 4580

REVIEW DAY — WED., JULY 17

Robert Donat

"THE 39 STEPS"

Rita Hayworth

"TONIGHT AND EVERY NIGHT"

THURS., FRI., SAT., JULY 18, 19, 20

Ginger Rogers

"HEARTBEAT"

Joan Leslie

"CINDERELLA JONES"

HOTEL CONTINENTAL

CAMBRIDGE, MASS.

"One of New England's Best Hotels"

Visit PICCADILLY INN for

Relaxation, Refreshment and Rest — Fine Foods, Reasonably Priced

BANQUET and DANCE FACILITIES

accommodating from 10 to 650 people

Chauncey Depew Steele, Jr., General Manager

KIRKland 6100

"Where Harvard Law Students Buy and Sell Their Books"

LAW BOOKS

New and Used

Bought . . . Sold . . . Exchanged

Largest and most complete supply of used Law Case Books and Law Text Books for Law School

University Law Book Exchange, Inc.

28A Boylston St., Directly Opposite Western Union

Harvard Square, Cambridge, Mass.

We can save you substantially on any Law Books whether New or Used.

If it is a Law Book, We Have it, or Will Get it for you!

The Harvard Law School Record

Published weekly on Wednesdays for twelve weeks of each term by *The Harvard Law School Record*, Austin Hall, Cambridge 38, Massachusetts. Subscription price: \$2.00 per term mailed, \$6.00 per year mailed; student subscription, \$1.50 per term mailed, \$1.00 per term distributed at the Langdell Reading Room Desk. Business and Editorial Offices, Austin Hall, Cambridge 38, Massachusetts. Telephone: KIRKland 7600, extension 133.

Critmon Printing Company, 14 Plympton Street, Cambridge 38, Mass.

CHARLES O. PORTER, President
CHARLES G. SWEET, Editorial Manager
PAUL F. HELLMUTH, Business Manager

CHARLES W. DAVIS, Advertising Manager
RINALDO A. CAPORE, Circulation Manager
ROBERT C. TRUMP, Treasurer
HERBERT BERMAN, News Editor
THOMAS J. O'TOOLE, Articles Editor
DAVID M. OLDS, Alumni Editor
GEORGE N. LEIGHTON, Current Case Editor
SEYMOUR S. EPSTEIN, Letters Editor
ALAN NEIL SCHNEIDER, Calendar Editor

Staff: C. Duane Aldrich, Morton B. Braun, John Cancian, Irving Constant, R. W. Culbert, Nathan C. Fitts, Richard Fleeson, Loren E. Juhl, Harvey Karlin, Clark S. Lyon, John C. O'Byrne, James L. O'Dea, Samuel Schwartz, Nathaniel Tepp.

Editorials

THE TASK OF THE LAW STUDENT—

Abandon all else ye who enter here, the incoming law student is told. Eat law, drink law, sleep law, breathe law. The old one-third mortality bogey lurks ominously in the offing and the advice is invariably taken. It is fitting that professional training should require a man's best efforts, but this obsessive compulsion may result in his adopting a narrow version of the law in terms of the task. Law, for practical purposes, is that which makes points on the examination paper. Casebooks, lectures and collateral reading contain the law he needs, the student assumes, yet who would deny that the teacher's intuitive evaluation of an examination paper exceeds more than the results of reading, outlining and memorizing? "Don't read, think for yourself," is Professor Seavey's favorite admonition to the student.

Discussion outside of class, both informally and as a part of the Ames Competition, plays a notable role in the acquiring of perspective, the ability to adapt principle and decisions to concrete cases and to isolate competing interests to weigh in the balance. These discussions are unquestionably an essential in the task of the law student.

The *Review*, the Legal Aid Society and the Board of Student Advisers are all *legal* in the old strict sense of the word. Although their activities are not related directly to examinations, their members have proved themselves sufficiently to allow diversion from the narrow goal for short periods of time. The services of these established extra-curricular activities are indispensable and their histories distinguished. Does the *Record* merit a place beside them? Are labors in its behalf within the proper task of the law student?

The *Record* is meant to be primarily a journal of opinion, but also a vehicle for the news of the School, the students, professors and alumni. It will strive to become a forum for the Law School, its topics ranging the gamut of public interests—sociological, governmental, economic, philosophical, political, moral, international, constitutional and so on, as well as discourses more directly legal in the old cramped sense of the word.

The present members of the Board and their respective staffs have neither the time nor the inclination to write all of each issue themselves. The *Record* was at no time calculated as an organ for the opinions of any one small group. Only if a great many students write articles, letters and items will it prosper. Otherwise it will never live to see even one candle on its birthday cake.

To include the *Record*, then, the traditional task of the law student needs re-appraisal. The matter is less one of re-definition and more one of recognition that legal problems today do not exist apart from the rest of societal life and that cultivated indifference to the societal problems of our age is not a prudent attitude for law students with examinations nor for lawyers with clients nor for whatever work to which the graduate applies his training.

Received ideals, acted upon by courts, correlate with circumstances of time and place. More and more, jurisprudence is reaching out for sociological data to ascertain the evolution and function of the law as a specialized agent of social control in a politically organized society and the foremost safeguard for that society from disintegration into anarchy. These are Dean Pound's words.

Professor Pound, although the leading exponent of the sociological school of jurisprudence, deprecates the establishment of the *Record*. He holds that its publication is outside of the task which a student comes here to accomplish. He cites the case of the student who tried to be drum major in the Harvard band and so failed to pass his examinations. Twirling a baton and founding a journal of opinion for the Law School, according to Pound, are equally foreign to the task at hand. With real deference to his immense wisdom and kindness, we dissent. We believe that the task of the law student today embraces an interest in current affairs and an attempt to hold opinions, however tentatively, about the issues facing our society and civilization. We cannot agree with his assertion that before a man expresses an opinion on a subject, he must first fully understand that subject. For who knows when that understanding comes? "If we would guide by the light of reason," Brandeis once wrote, "we must let our minds be bold."

However rigorously we may contend that Professor Pound is mistaken in his estimate of the *Record*, the bulk of the students may in fact agree with him. It is one thing to demonstrate that the task of the law student subsumes active student support of the *Record* and quite another thing to bestir a man into writing an article setting forth personal opinions on a matter of importance to others. News items and feature stories have their peculiar values, but the justification of the *Record* as a proper chore in the task of a law student must ever be found in bold, articulate essays based on brain-racking and belief.

Old ideas don't die overnight. The men who are responsible for this issue of the *Record* are convinced that their task as law students entails a certain amount of preliminary grappling with the mooted issues of the day. But how many other students, and professors and alumni too, still consider this beside the point? We shall see. Meanwhile we have declared our purposes and we move to a position alongside of the traditional extra-curricular activities of Harvard Law School, a rookie with clumsy hands and an ill-fitting outfit, with little to recommend him but high resolves.

Abandon novels, eschew long week-ends and postpone fervent courtships; make every minute count, the law student should be counselled. But he should not abandon reflecting on the problems of his world. This does not mean that he has to dissipate his energies at the very time he needs them unimpaired and concentrated on the formidable task of a law student. It does mean becoming aware that the law he seeks is as much in his own head and in the heads of his fellows, if he will but look, as it is in the heads of his professors and in the books. C. O. P.

INTRODUCING OURSELVES

Like a girl at her first ball, this issue of the *Harvard Law School Record* faces its public, its future, and an uncertain reception. We enter the arena with maidenly blushes at our own temerity in stepping forward, a blushing not unmixed with roguish glances at some who might dance with us, and a rather coy attitude of "We're here, what are you going to do about us?" We can't dance by ourselves and we really would rather not, but if you'll cooperate, we have something to offer.

What we have to offer depends, obviously enough, on what you give us. First is the price of subscription, one dollar, and if you're reading this over someone's shoulder, your next step should be to find a member of the *Record* staff or come over to Austin Upper and buy your green card. A lecture inaudible in the back of the room is hardly helpful . . . and if we are to justify our existence and our subsidy we should reach all the students, all the faculty, and as many of the

Alumni as possible . . . if not, we are just mumbling to the front few rows.

We aim to proffer a forum for the Law School community; but a forum where few speak elucidates neither the breadth nor the penetration achieved by a forum filled with hotly contesting opinions. So we are asking for letters, and in profusion, to make the next column to this a veritable Hyde Park. Fifteen hundred men can exume more things which need airing than fifteen.

We need you as a subscriber, we need you as an Observant Citizen who views with alarm, we need your news tips and personal items, but most of all we want the fellow who'll be an "Occasional Contributor." The conclusions of your independent thinking or research, judicious excerpts from interesting written work, the lessons learned in your time overseas or your extra-curricular political activity, can all provide the articles necessary to make this *Record* a worthwhile and substantial publication.

This venture is certainly *sui generis* if nothing else. For the man whose interest in our experiment is more sustained than the contribution of an article or writing of a letter, there is still open the opportunity to compete for a place on the staff and ultimately the Board of the *Record*. Such a man needs more than just a sharp pencil: he should have a little margin from The Axe, a willingness to give a few hours a week to an enterprise from which nobody makes a cent, and an interest in the more dynamic, news-worthy, and public aspects of the law. We don't aim to compete with our elder and somewhat distant cousin next door.

All these things then we ask from you in ascending sequence and diminishing expectancy: your dollar, your criticisms, your suggestions, your contributions of printable matter, your actual participation in our work, and your blessing. As we get these others so will we become able to merit the last.

C. G. S.

THE 6TH DEAN—

When 42-year-old Erwin Nathaniel Griswold was offered the deanship, he probably hesitated. In other days this honor has been rejected by professors. Austin Wakeman Scott, it is reported, once refused. Williston has written how many persons deplored the time Pound had to spend with administrative work. Dean Griswold has able assistants. Vice-Dean Hall has nine years of experience, minus the war years, in his office. School Secretary Dimmitt, Administrative Assistant Miss Conlan, the library staff and many others know their jobs well. Professor Seavey took unto himself the gargantuan and impermissible job of veterans' relations and admittance (with Professor Dodd's Admission Committee)—a load that might well have landed squarely on the Dean's shoulders. The whole problem of getting under way again in the post-war world with its unprecedented enrollment and full-year schedules is in the lap of the Dean and his staff.

Langdell, Ames, Thayer, Pound and Landis knew similar problems. A law school should train students for the practise of law, Williston wrote, and it is up to the Dean, largely, to define "practise." Alumni relations, curriculum, admission standards, teachers, dormitories, student activities—these are few of the headings for the headaches of a conscientious dean. Professor Fuller's committee is hatching a report on revision of the curriculum. Pound discouraged, Landis encouraged dormitories for the School, but the Jarvis Field site is tied up for four or five years by temporary housing so this project is not urgent, though perhaps the plans should be prepared. Landis raised admission standards in 1937 in order to mitigate the massacres at finals, but the selection and elimination processes are still unsettled. New teachers must be found to replace those about to retire and help bear the additional burden of the accelerated curriculum.

Dean Griswold's fine record as a student, a lawyer, a government counsel whose exploits before the Supreme Court in tax cases are legendary, as a professor and a legal scholar; his integrity (the quality Mr. Landis particularly singled out to praise in his successor on an earlier occasion), and his actions to date, make it plain that the sixth Dean of Harvard Law School has the stature for the illustrious and demanding position.

It is meaningful to point out that the new Dean has taken not even one leave of absence in his twelve years as a professor in the school, although he has appeared before the Supreme Court many times in that period. The Sirens of Washington and Wall Street may comb their hair, sing their songs and wave their checkbooks and titles all in vain. His tenure as Dean will last until he retires. In addition to his considerable personal abilities and strong faculty support, this Dean has an advantage the other five lacked: Dean Griswold will have a weekly newspaper to keep him abreast of student, faculty and alumni opinion and news, which should lead to better understanding all around and hence tend to reduce the deanship's onerous administrative responsibilities to a minimum hitherto impossible. C.O.P.

Letters to the Editor

Letters submitted to *The Record* must be signed as evidence of the good faith of the correspondent. However, names will be withheld at the request of the writer.

Sir:

For the past several years, it has been a strict rule of the Law School that students are not permitted to learn their numerical grades. With the advent of a new administration, and a somewhat different type of student, it might be advisable to reconsider such a rule.

It is not an unnatural desire for a student who has labored over a long period to know precisely what results he has attained. The letters give a general idea, to be sure; but the variance between 63 and 69 (a C), or between 75 and a possible 85 (an A) is large. The mere listing of an average does not disclose which are the subjects in which the student has been somewhat proficient or those in which he has fallen perilously close to a D. Nor has the student any means to check the computation of his average.

For the third year student, the failure to present an adequate comparison between grades carrying similar letters is particularly unfortunate. If the student desires to write a paper in a course already completed, he will naturally tend to favor the courses in which he has done his best work. Where, then, should a student turn if he has received six identical letter grades in his second year? Should he write a paper on "X" in which the instructor has, unbeknownst to him, given him a 63 with reluctance? Or should he write a paper on "Y," in which he was given a 69 only because he was deficient in one part of the course?

It would seem that the answer would be for such a student to interview his instructors. Yet to get a proper answer under the existing rule, he would have to interview each of his six professors. It is submitted that such a procedure is neither desirable for the student nor for the faculty.

A revision of the present rule would also be a benefit to the Secretary's office. Since the official records are kept in numerical grades, each time a manuscript is given to a student, a translation must be made to the appropriate letters. This is done many hundreds of times in the course of a year. Hence it would not be surprising to find that other schools, at their request, in the event a student desires to transfer the personnel of the Secretary's office are in favor of a revision.

It is interesting to note that numerical grades can be given out to or continue his studies elsewhere after graduation. BUT those grades must be given out confidentially, with due precaution taken to keep the student in the dark!

One can only surmise at the reasons, if any, which led to the adoption of the rule. Perhaps it was to prevent some recalcitrant student from quibbling over a point or two. If so, it is submitted that the defensive powers of the faculty are grossly underrated, and the efficiency of the method highly overrated. Or the rule may be the outgrowth of the days when a student's expenses were paid by his family based on the theory that "the plaintiff is not the real party in interest." If such be the reason, the rule seems unfair to the typical veteran who is on his own.

Is it really necessary for Harvard to keep the student in the dark?
JOHN C. EARLY, '47

(Contribution.
10

Benjamin
Legal Speciali
crimes trials n
in April.

Ferencz w
the direction
in the organi:
expected to be
at Nuremberg

During th
Section of the
been released
present positi
Born in T
in 1940 grad
he specialize
Law Club.

L.L.B. '12
mouth) '09,
while serving
and Western
recently. Mr

L.L.B. '12
Boston Bar
Bell, Dutch &
College.

L.L.B. '16
hurst, A.B. (
will fill the
1948) of Vic
of the Bosto

L.L.B. '31
by Thomas
of the Legal
missioner.

Production 1
ments. He
L.L.B. '31
A.B. (Yale)

chairman o
former Capt
for Delawa
assistant city

L.L.B. '35
University o
Dartmouth
this year.

L.L.B. '35
service in b
Utilities Di
ton, has bee
A.B. (La.
Lieutenant
wallader w
the War
prosecution
of hostiliti
partment o
and has re

Professor Archibald Cox put a case before the class. It seems that someone filled a towel with soot, and hypothetically, Cox dried his face on it and came lecturing in blackface. He asked his class if an action would lie. "No," a student cried. Then, inevitably, "why not?" From the back of the room, "no harm."

Saturday at 3 the Student Board will play the Law Review at softball for the newly found Oscar Tallman Cup. Details next week.

Torb McDonald, our first Treasurer, had to resign, at least for the time being. He's dropped out of school for the summer to go to California where Mrs. McDonald (Phyllis Brooks) is making a picture. Torb will be lining things up for the VFW.

The AVC dance Friday evening on the cruise boat Mohawk seems to be arousing a good deal of interest, and Irv Kent predicts that quite a law school turnout will result for this outing.

Legal Jive

The law has inspired many a popular song hit, viz:
"I give you my word"—Parol Evidence
"All or nothing at all"—Demurrer to the Evidence
"Suddenly it's spring"—Motion for Continuance
"You gotta give a little, take a little"—Consideration
"Don't fence me in"—Easement

Model Footnote: The first footnote in the March, 1946, "model" Ames argument, on page 3 of the defendant-appellee's brief, reads as follows:

"Davis, *Stolen Automobile Investigations* (1938) 28 J. Crim. Law and Sociology 720. The author, an experienced investigator, states (p 723): 'In the final analysis it would seem that any automobile can be stolen if the thief has sufficient opportunity and incentive to do so.'"

Fables for the Bar

Once upon a time there was a law professor who did not think he was God.

MORAL: E. Pluribus Unum.

Confessions of a Law Wife

Most of the present-day law wives were Army, Navy or Marine wives just a short while ago. It's possible that memories of the auto-cour cottage near the airfield and the P-X bargains are beginning to seem like the good old days. Or maybe it's only more of the same: baby food containers cooling on the window sill, the laundry being scorched dry on the radiator, a formula brewing on the electric plate. But whether novices, cynics, or old hands at coping with the housing problem, any gathering of law wives has an esprit de corps these days that mere husbands could never give it. Life-long friendships are being built on an opening query of, "Do you have a place to live?" For, while our husbands tangle with the minutiae of the law, we wives find ourselves quite thoroughly occupied with the old basic food-clothing-shelter needs. If it's not an apartment, it's stockings, or meat or butter—or perhaps all of them.

Efforts that have been made to get around the shelter shortage make an interesting study in ingenuity. One couple bought a rambling late-Victorian edifice, cleaned and painted it into shape, and now rent out their surplus bedrooms. Another pair have hired themselves out as a couple and, in addition to a place to live, get a salary in return for their housekeeping services. A third couple were able to find themselves rooms—and free rooms what's more—by assisting in the management of one of the college guest houses. Others have sought a more prosaic refuge in boarding houses and luckier ones have worked out kitchen-sharing arrangements.

The first official, government-sponsored solution took the form of the pre-fabricated housing units—affectionately known as the pre-fabs. Those at Jarvis court, adjacent to Langdell, were opened for occupancy on April 22, complete with key-presentation ceremony. These are limited to couples who have at least one child and to a few who will soon have one. Living conditions in the pre-fabs are hardly up to the ideals of anyone's post-war dream home. But to most couples they are a welcome sanctuary from previous living arrangements that

as he would have had—no more, no less—than in civilian life.

In *Stanley v. Wimbush*, P.H. Labor, Par. 2427 the Circuit Court of Appeals for the Fourth Circuit reversed the District Court in the application of the Selective Service Act to a veteran who had been engaged in a seasonal occupation and had been inducted in the off season. The plaintiff was a sales manager and contact man for tobacco warehouse operators. In his suit for reinstatement the District Court held that he could be reemployed only if he held such a contract as would enable the employer to sustain an action for breach of contract if he had failed to return to the job on his discharge. The Circuit Court reversed the District Court on the broad ground that the intent of the act was to protect the economic position of persons released from military service, and it must override any considerations of the employer's convenience or pleasure.

THE PROOF OF PATERNITY Blood Tests Will Not Tell

On May 27, 1946 the California District Court of Appeals, *Berry v. Chaplin*, 14 L.W. 2773, looked askance at the expert opinion evidence offered in filiation proceeding and decided that blood tests showing that the accused could not have been the father of the child are not conclusive. The court said that the tests are merely scientific evidence to be considered by the jury along with all the other evidence to be considered by the jury in determining the paternity of the child. The apparent inconsistency of classifying a scientifically determined fact with facts to be found by a jury of laymen will arouse another torrent of abuse as was levelled at *Arias v. Kulensnikoff*, 10 Cal. (2) 428. The court followed the cited case with the observation that though the law review comments of its holdings were critical, its authority had been adopted in California. In the *Arias* Case the court held that blood tests were expert opinion because conclusions reached by the examiner are based upon medical research and involve questions of chemistry and biology with which the layman is entirely unfamiliar. The lesson to be learned from both these cases is that the jury must ultimately answer the question "Was he there?"

The answer to that question was not favorable to Charles Chaplin in his now famous court clashes with his former protege, Joan Berry. Chaplin's fans will have to determine in the near future whether his fame rests on his ability as a comedian or in his court duels with La Berry.

were usually expensive, inadequate, communal, or just generally intolerable. Within twenty-four hours after the opening, the pre-fabs presented a vista of settled domesticity—with clotheslines sagging under Monday's washing and a formidable line-up of empty milk bottles overflowing the porches.

The approach of a husband, bent double under the bulging green bag, the Langdell lack-lustre and post-graduate pallor heavy on his brow, can usually soften the house-haunted expression in his spouse's eyes. A careful examination of his glazed and blood-shot eyes will invariably reveal to the loving law wife that, as it must come to all law students, utter confusion has descended upon her particular law student.

There is one large and thriving faction among the law wives known as Ones-Whose-Husbands-Take-Constitutional-Law. Their mates apparently all suffer from a similar malady (not believed to be constitutional) and the girls find it very comforting to have open discussions of symptoms, therapeutic measures, possible cures and remedies and whether an ice-pack is more effective than a hot-water bottle.

There is another item that has been not only instrumental in bringing about a universal kinship among the wives, but has also made most of us rabidly enthusiastic about life here in Cambridge in spite of some of its frontier hardships. This is the recurrence of atrocity stories as to what awaits the young lawyer after the School has pushed him from the nest. Horror tales of two year training periods without pay, followed by several years of token wages, and accounts of a legal market glutted with unemployed Harvard law graduates help to create a lasting rapprochement in the law wives group. It also makes those of us who are veterans' wives want to postpone the day when we must leave the cozy security of an assured income of \$90 a month.

Lacey S. Schneider

The Witness Stand

The question: What has been your biggest problem upon return to School?

1. Samuel T. Lawton, Jr., Chicago, Illinois
5th term
Unmarried

Staying in! It seems to take much longer to get the same amount of work done. The time element was the biggest initial problem. It straightened out in time.

2. James Draper St. Clair, West Newton, Mass.
5th term
Married

Finding an apartment, but that's all settled now. Getting used to studying and finding time to get everything done that I wanted to do. The Ames Competition took a big piece out of my time but I consider it worthwhile just for the experience. Otherwise no problems.

3. Paul Woodman, Portland, Maine
4th term
Unmarried

Deciding whether I should have left the Law School to the "A" men or made the Army an easy way out. I found that I missed reading current magazines to the extent that I did in the Army due to a budgeting of time. Sometimes I feel as if I have never been away.

4. Charles Kramer, New Bedford, Mass.
6th term
Married

Getting settled down in my work. That cleared up in a short time. Studying is down to a routine now. The food situation is the biggest problem now. The scarcities prevent us from getting enough red meat to keep alive. It's too hot in Cambridge!

5. John H. Downs, Winchester, Mass.
5th term
Unmarried

I started after I got out of the Army in October, 1944. I fitted into the study routine without any trouble. My biggest problem was taking more leisure than I knew that I should. I live at home and find that during the summer with no one home to cook for me, \$65 a month doesn't go very far. No grief otherwise!

6. Leon Dicker, Brooklyn, New York
5th term
Married

No problems. Being married hasn't involved me in the least. I'm happy to be alive. I felt as if I had never left school after sitting in on one class. I had trouble finding a place to live when I first returned but that is settled now. It took three weeks but it was worth it.

7. Robert L. Park, Washington, D. C.
5th term
Married

Time! I don't find enough time to do all the things I have to do. I find I am busier than before the war. I manage to cover my work but it seems like more of an effort.

8. Harvey Cohen, Greenwood Lake, New York
4th term
Unmarried

Difficulty in concentrating and remembering. I'd read a page, turn to the next page and forget what was on the first page. After a while I got over it. I'm afraid of a relapse.

9. Frank X. Murtagh, New York, N. Y.
5th term
Married

Housing! It was very difficult to find a place to live. It took two-and-a-half months to finally get located. It was worth hunting all that time. The general cost of living is considerably higher than it was before the war. The added burden of having a wife makes it more difficult to study.

10. John R. Curley, Brockton, Mass.
5th term
Married

Housing! I commuted from Brockton for three months. I now live in the nearby veterans housing development and find it satisfactory. Taking exams after 15 weeks of a course is like trying to pour the cream off the top of the bottle two minutes after filling it from the cow.

SMITH—(Continued)

the gathering retired to the old Hemenway Gymnasium where a banquet was held and speakers commented on various themes, prominent amongst them being the success of Professor Langdell's case system, and the role to be played by the new Association in healing the breach between North and South. The latter point had been particularly stressed by the Chairman of the Organizing Committee in his prospectus to the graduates. The founding members contemplated an organization which would eventually be represented by active branches in all the principal cities of the United States, in much the same way that the Associated Clubs operate today. Article II of the Constitution adopted in 1886 states that the objects of the Association "... shall be to advance the cause of legal education, to promote the interest and increase the usefulness of the Harvard Law School, and to promote mutual acquaintance and good-fellowship among all members. . . ."

As to the latter aim the Association has not borne out the expectations of its founders. There are no active branches of the Association in any city of the United States. Virtually the only opportunity members have to meet is during the annual meeting of the American Bar Association, at which time a luncheon for all Law School Alumni is held. These luncheons have been successful, but the attendance at them is limited to those who live in the vicinity of whatever city the Bar Association picks to hold its convention. Other than this the sole contact which members have with the Association is by means of the occasional correspondence from the Secretary or the Treasurer. Under such circumstances it is surprising that as many as 4,000 alumni have retained sufficient interest to pay annual dues of \$2.00. It is unfortunate, however, that such a worthy activity should be so limited in scope. The Association has a potential membership of at least 15,000 alumni.

American Honors List

After 20 years as an official in the State Department, including experience in Japan, Norway and Russia as charge d'affaires, the writer was compelled, as a result of a physical disability, to retire prematurely. He is, however, exceedingly active intellectually and his career of public service continues in other channels, one example being this article.

One of the greatest incentives to human effort is the recognition by contemporaries and by posterity of work well done. The principle of this natural form of encouragement is widely utilized by parents, educators, business and industrial enterprises and by governmental agencies. It has likewise been used for centuries by sovereign governments as an instrument of public policy for the same purpose. It is still so used by many governments, including ones of such diverse tendencies as the British and the Soviet, which confer either patents of nobility or orders of merit or both on those of their citizens who have distinguished themselves by public achievement. It is common in the United Kingdom, for example, for a shop keeper's, merchant's or farmer's son to be knighted, and in the Soviet Union for a factory worker or peasant to receive the coveted Order of Lenin or of Hero of the Soviet Union. These awards, which are intended to recognize merit, carry great personal prestige as well as stimulate other citizens to work for the common good. The practice has been successful in bringing to the fore latent talent whose achievements can be utilized for the benefit of those less fortunately endowed as well as to enhance their countries' prestige. Many governments go a step further and confer decorations or titles on foreigners who have rendered them conspicuous service.

The authors of our Constitution provided in Article I, section 9, paragraph 8 of that document that: "No title of nobility shall be granted by the United States. And no person holding any office of profit or trust under them shall without the consent of Congress accept any present, emolument, office or title of any kind whatever from any king, prince or foreign state." However, it is doubtless under the influence of these prohibitions that we have leaned so far backward as to shut our eyes to the entirely constitutional and very profitable use which we might make of the official recognition incentive, in order to promote achievement in the public interest. We have done so, I believe, consciously or otherwise, on the false assumption that such governmental recognition would be undemocratic, overlooking the fact that we have long utilized practices with oddly undemocratic connotations such as borrowing colorful nomenclature of rank like consul, admiral, governor, general, senator, ambassador, minister etc. We do so, of course, not because they suggest pomp or despotism but because they are useful to us and we adopt them without apology to our own democratic, national purposes. Let us be similarly open-minded towards any other practices which we may profitably use.

Curiously enough, we have also recognized from the beginnings of our national life the value of the principle under discussion as a means of stimulating the desirable wartime virtues of bravery, loyalty, intelligence and devotion to duty. As recently as 1942 the Congress authorized a new award for this purpose—the Legion of Merit and subsequently the Medal of Merit which has lately been granted to Americans and foreigners for their contributions to the war effort in connection with the atomic bomb, not—it is to be noted—for the development of atomic energy, the applications of which to civilizing purposes, we are told, are incalculably great. Why have we hitherto had a national blind spot regarding the civilian uses of the principle as applied to the "peace front"? It is true that many honor awards are conferred from time to time by professional, scientific and stamp of official recognition and the general public's ignorance of them and of their past and present holders is ample indication of their general inadequacy from the point of view of the public aim envisaged.

Within the past few weeks, we have been treated to the interesting spectacle of an American citizen distinguished for his long and selfless work in the United States and abroad, receiving an official decoration not from his own government (which he richly deserves as it is an ornament to his country) but from the Swedish government. Granted that Sweden had doubtless reasons of its own to recognize work of his which had benefited that country, the fact nevertheless remains that our government does not yet, after one hundred and seventy years of independence, possess any adequate means during peace time or any generally formulated public policy of recognizing such public service—using the words in their broadest sense—with the exception of a proverbially cumbersome "act of Congress". This ponderous machinery has only twice been set in motion for this purpose within recent years—in 1927 when a Congressional Medal of Honor was presented to Charles A. Lindbergh for his epochal flight from New York to Paris, and again, much later, to President Roosevelt for his distinguished services to the nation and the world. For anything less dramatic or compelling than such services, a special act of Congress would be utterly unthinkable, even though the brilliant exploits of statesmen, scientists, educators, sociologists etc., are of vast importance to the public welfare and frequently hazardous to perform—witness the work of Dr. Walter Reed and his associates or of a Colonel Goethals.

The Congress, however, has the power to provide adequate machinery for awarding suitable honors for peace time service—a power which it should now put to use in order to furnish the important incentive, which we need at the present time more than ever, to encourage our most talented citizens to work unremittingly in the broadest public interest. It may be objected that government recognition of achievement, if left exclusively in the hands either of the President or of Congress, might be

used on occasion to promote the personal fortunes of some worthy Republican or deserving Democrat. It is true that even in England where the principle has probably been the most disinterestedly applied, it has at times served partisan purposes, although decreasingly so within recent years. There is, however, a device which we could employ here to make this danger minimal. Congress might set up a special Honors Board of ten members, composed of persons themselves distinguished for their disinterested public service and therefore presumably actuated by broader than partisan motives. The Board might perhaps suitably contain a justice of the Supreme Court, a distinguished university president, the head of one or more of our learned societies, a great scientist, a top medical figure, a member of one of our important philanthropic foundations, an outstanding woman, etc. Such a board would recommend to the President annually on January first from ten to twenty Americans who had made the most important contributions in politics, sociology, education, scientific research (not primarily for profit), medicine, the arts and the like, to whom the President would be directed to award a Presidential Medal of Honor, Achievement or Recognition—in descending order of importance, (by providing more than one grade, honor holders would have the incentive to win higher recognition by further efforts) as well as an engrossed parchment testimonial to their recipients' descendants to follow their footsteps.

The Congress might also consider it advisable to empower the Honors Board to recommend initially a larger number of deserving candidates since more would at first be available, and possibly even to recommend a limited number of posthumous awards—we often recognize greatness in our dead more readily than we pay tribute to the living! Consideration might also be given to authorizing the President from time to time to submit to the Honors Board for its consideration and possible subsequent recommendation to him for honor awards, the names of a limited number of foreigners who had conspicuously forwarded the public welfare in the broader international field. Sweden, a truly democratic country, has recently instituted a new honor for that purpose—the Prince Carl Medal. An American was among the first three to receive it.

We Americans therefore have at our disposal as a nation a thoroughly democratic and "American" means, if we will take advantage of it, of turning to public account the natural human desire for the approval of our fellows. Besides stimulating better public service in all important fields of endeavor, Presidential Medals of Honor, Achievement and Recognition should tend to democratize and raise the tone of our public life. Moreover, it would be far more mature and consonant with our enhanced world position to select annually for public honor our truly great citizens—the torchbearers of our civilization than, for instance, to announce that Mrs. Fast or Mrs. Loose has been chosen the best dressed woman in America, or Jenny Doe, the comeliest bathing beauty! As Thoreau once said, "Is it worth while to travel half way around the world merely to count the cats in Zanzibar?" Who knows but that it might become a popular and even a fashionable pastime among those of us addicted to contests, quizzes, conundrums, cross-word puzzles and other brain twisters to make up our own private lists of great Americans and foreigners who have deserved well of society and merited the Presidential Medal of Honor!

Stuart E. Grummon
Redding, Connecticut

REGISTRATION—(Continued)

As yet untalented returns indicate that this term's students come from about 175 colleges and universities scattered from as far China and Egypt to the Yard across the street. Harvard College leads with a contribution of about one-fifth of the student body. Other members of the Ivy League furnish about one-sixth, and the remaining two-thirds come from schools in proportions which follow roughly the population concentrations of the United States with a considerable discrepancy in favor of New England. The student body is considerably more mature, the average age having increased from the youthful figure of twenty-three to a wiser and more experienced twenty-seven. This change is reflected in the large percentage of married students and the fact that approximately 98% are veterans.

KENDALL HOUSE—(Continued)

Users of the facilities are required to leave them in clean and presentable condition, and the Law Wives request the cooperation of all visitors to the house with regard to ashes, empty bottles, waste paper and the like. To aid users in cleaning up and otherwise, bus boys may be obtained through Phillips Brooks House with a week's notice.

This opening of the property to general use is in addition to the 12 to 2 cafeteria which the Law Wives already operate for the convenience of those who bring their lunch.

PRIZES—(Continued)

Lawrence F. Ebb is the retiring president of the Law Review. A graduate of Harvard College and a resident of Dorchester, Mass., Ebb begins his legal career this fall as a secretary for Judge Augustus Hand of the Second Circuit Court of Appeals.

Wilson Thaddeus Coleman, a Law Review Editor, lives in Philadelphia and graduated from the University of Pennsylvania.

Of the two top first year men, Joseph R. Creighton received his B.A. from Oberlin in 1941 and lives in Woodstock, New Jersey, while James M. Weinberg graduated from Stanford University in 1945 with an A.B. degree. He resides in Los Angeles, California.

"GEORGE'S"

The College Grill
Breakfast Lunch Dinner
Soda Fountain Sandwiches
94 Holyoke Street

Before the Ames Court

After a lapse of four years the Supreme Court of the Commonwealth of Ames convened on May 1 in the Langdell Courtroom to hear the semi-final argument in the Ames Competition. Presiding at the plaintiff's appeal in the case of *Cooley Sugar Company v. The Ames National Bank*, was Mr. Justice Raymond S. Wilkins of the Massachusetts Supreme Judicial Court. Sitting as associate justices were Mr. Oscar M. Shaw and Mr. Arthur F. Bickford of the Boston Bar. The case was presented orally for the plaintiff, Cooley Sugar Company, by Charles W. Davis and James D. St. Clair. Of counsel on plaintiff's brief were two other members of the Langdell Club, Thomas P. Ford and Lambert Turner, Jr. The defendant, Ames National Bank, was represented on the oral argument by Harmon Hawkins and John B. Lawless who were assisted on the brief by Llewellyn Evans and Francis Lavery.

The case came up on appeal by the plaintiff, Cooley Sugar Company, from a judgment for the defendant, Ames National Bank, in an action on a guaranty. Cooley Sugar Company which acted as transfer agent of its own stock cancelled stock standing in the name of the Ames Refinery Company and reissued to it a bona fide purchaser. In effecting this transfer the plaintiff relied upon a stock power assignment purportedly executed for the Ames Refinery Company by its treasurer and guaranteed by the defendant, Ames National Bank. When Ames Refinery discovered that its stock had been transferred without authorization, it brought suit in the Superior Court of Ames against the Cooley Sugar Company and recovered \$10,000, the value of the stock. After satisfying this judgment, Cooley Sugar brought this suit to recover its loss from the Bank.

There was no dispute as to the facts as the case was submitted to the trial court without a jury on stipulation. On August 1, 1945 the Board of Directors of the Ames Refinery Company passed a resolution to the effect that in the future certain of the Company's stockholdings, including its holdings of Cooley Sugar Company should not be sold without the approval of the Board of Directors and the stock power was to be executed by the president and treasurer. Certain other holdings could be disposed of in the discretion of the officers, and the treasurer could execute the assignment for the company as before. A copy of this resolution was sent to the Ames National Bank and was in its files on the date the signature guaranty involved was issued.

One month later on September 1, 1945 A.M. Rathbone, the treasurer of Ames Refinery, took his company's Cooley Sugar stock certificate to the Ames National Bank where he consulted Mr. E. F. Marshall, the Bank's vice-president. Rathbone advised Marshall that Ames Refinery wished to sell its Cooley Sugar stock through a New York Curb brokerage firm in New York. Although Rathbone had transacted this type of business many times before and was well known to Marshall, nevertheless the latter followed his bank's custom and checked with another bank official to see if Rathbone was authorized to make this assignment. Unfortunately this other official overlooked the August 1 Board of Directors resolution and reported that Rathbone was authorized to sign stock certificates for Ames Refinery. Rathbone then signed the stock power for the Company as treasurer. Whereupon Marshall stamped the certificate "Signature Guaranteed, Ames National Bank, . . . vice-president" and signed his name in the blank space.

The stock certificate was then sent to the New York brokers who, after checking the authenticity of the Ames Bank's guaranty with its New York correspondent, similarly guaranteed the signature of the Ames Refinery Company. The stock was sold to a bona fide purchaser for value in whose name the Cooley Sugar Company registered the stock. The check for the proceeds was sent to the Ames Refinery Company and cashed by Rathbone who absconded with the proceeds.

This transaction conformed in every detail with present day business, banking, and brokerage practices which are these: Where the individuals with whom they deal are not personally known to them, brokers customarily require that signatures of transfers of stock be guaranteed by local banks who have correspondents in New York City with whom the brokers can check. This is because brokers are required by the Rules of the New York Curb Exchange to guarantee both the authenticity and the authority of their customer's signatures. Banks in such small investment and industrial communities of which Ames is a member customarily keep files of the signatures of those authorized to assign stock certificates owned by their corporations. As an accommodation, banks are willing to and do guarantee the signatures of their corporate customers after referring to the above-mentioned files.

The trial court gave judgment for the defendant on the grounds that the "guaranty" went no further than to authenticate Rathbone's signature, that a "guaranty" which went to the authority of Rathbone to sign for the corporation was *ultra vires*, and that the Bank was not

SUBSCRIPTION BLANK

Name _____ Date _____

Address _____

CHECK ONE

☐ STUDENT RATES	
☐ 11 Issues Delivered at Langdell Reading Room Desk	\$.95
☐ 11 Issues Mailed	\$1.45
☐ GENERAL SUBSCRIPTION and ALUMNI RATES	
☐ One Year Subscription (36 issues)	\$6.00
☐ One Term (12 issues)	\$2.00

Signature _____

MAIL THIS BLANK, OR PHONE THE RECORD OFFICES
AUSTIN HALL, CAMBRIDGE 38, MASS.
Phone KIRKLAND 7600, EXT. 133

estopped to plead *ultra vires*.

Counsel for the plaintiff maintained that the scope of the Bank's signature guaranty extended to the authority of Rathbone to sell the stock for his company. In support of their argument they adduced the needs and customs of the stock transfer business as set forth in leading treatises and statements from people actively engaged in the transfer business. Counsel relied strongly on *Jennie Clarkson Home v. Mo. K. & T. R. R. Co.*, 182 N. Y. 47 (1905) which confirmed a similar custom to the one at bar between New York City transfer agents and brokers. An attempt was made to persuade the Court to confirm the custom of banks and transfer agents in Ames into law unless some rule of law or public policy would thereby be contravened. The *Clarkson* case was also cited in support of the proposition that a signature guaranty was a guaranty of the correctness of the signature of the party in whose name the stock stands. From this it followed that the correctness of a corporate signature must include authority on the part of the person executing such a signature.

The second and much more difficult hurdle for plaintiff was the Bank's contention that such a guaranty as plaintiff's contend for was *ultra vires* a national bank. In support of this point counsel for the Bank cited the strict federal rule on *ultra vires* and many cases where national banks entered into stock repurchase agreements or guaranteed debts of third persons. Plaintiff met this by attempting to show that in those cases the bank was not in control of the situation as it was in the case at bar. The Bank's files indicated that Rathbone alone did not have authority to effect the transfer. Proper and non-negligent use of this information would have prevented this loss to the plaintiff and saved the bank any liability. Counsel for the plaintiff contended that a guaranty by the Bank that as far as its files indicated Rathbone had authority to sign for the Refinery Company was not at all like the repurchase agreement where the bank guaranteed a security price, something over which the bank really had no control, and would only be called on to repurchase at par if the buyer suffered a loss. Similarly it was contended that this guaranty did not involve any credit transaction at all. In the event that the Court decided that the guaranty was *ultra vires* Cooley Sugar Company contended that the Bank's act was a negligent misrepresentation which would defeat a plea of *ultra vires*.

On the briefs and oral presentation the Court unanimously awarded the decision to the plaintiff-appellant. This entitles the Langdell Club representatives to meet George Leighton, John Cancian, Herbert Berman, Daniel Kramer in the final round to be held this summer.

UNIVERSITY THEATRE

HARVARD SQUARE KIR. 4580

REVIEW DAY — WED., JULY 17

Robert Donat

"THE 39 STEPS"

Rita Hayworth

"TONIGHT AND EVERY NIGHT"

THURS., FRI., SAT., JULY 18, 19, 20

Ginger Rogers

"HEARTBEAT"

Joan Leslie

"CINDERELLA JONES"

HOTEL CONTINENTAL

CAMBRIDGE, MASS.

"One of New England's Best Hotels"

Visit PICCADILLY INN for

Relaxation, Refreshment and Repose — Fine Foods, Reasonably Priced

BANQUET and DANCE FACILITIES

accommodating from 10 to 650 people

Chauncey Depew Steele, Jr., General Manager

KIRKland 6100

"Where Harvard Law Students Buy and Sell Their Books"

LAW BOOKS

New and Used

Bought . . . Sold . . . Exchanged

Largest and most complete supply of used Law Case Books and Law Text Books for Law School

University Law Book Exchange, Inc.

28A Boylston St., Directly Opposite Western Union

Harvard Square, Cambridge, Mass.

We can save you substantially on any Law Books whether New or Used.

If it is a Law Book, We Have it, or Will Get it for you!

Calendar

The Record will print items of general interest submitted at the office by Saturday noon for the next week's issue. We urge all offices of the School having announcements to inform the Record, phone 133, for inclusion here.

THE LEGAL WORLD

- Chancery Club lunch, 1 p.m., in Picadilly Room, Hotel Continental, July 18.
 July 18—4-6 p.m. Reception for first term men at Kendall House, sponsored by Phillips Brooks House.
 July 19—4-6 p.m. Reception for first term men at Kendall House, sponsored by Phillips Brooks House.
 July 22—Class change: Prof. Morgan's Judicial Remedies, Sec. 1, meets in LN at 9 a.m. all term.
 July 23—Class change: Prof. Morgan's Judicial Remedies, Sec. 1, meets in LN at 9 a.m. all term.
 July 24—Class change: Prof. Morgan's Judicial Remedies, Sec. 1, meets in LNM at 10 a.m. all term.
 Class change: Second term, Sec. 2, takes Agency at 11 a.m. instead of Judicial Remedies at 9 a.m., AW.
 Class change: Second term, Sec. 3, takes Torts at 10 a.m. instead of Judicial Remedies, AW.
 July 25—Class change: Second term, Sec. 2, takes Agency at 11 a.m. instead of Judicial Remedies at 9 a.m., AW.
 Class change: Second term, Sec. 3, takes Torts at 10 a.m. instead of Judicial Remedies, AW.
 Notice: Veterans are requested to return white book authorization slips to 8 Weld Hall.

LAW WIVES

- For those who bring their lunch; soup, drinks, ice cream are served in Kendall House from 12 to 2 p.m.
 Picnic on July 20, 1946 at Walden Pond. Meet at 5:30 at Kendall House where cars will be pooled. Bring your own food. In case of rain, July 27.
 Play reading at 3 p.m. on July 23, 1946 at Kendall House.

THE UNIVERSITY WORLD

HARVARD WIVES

- Beach party at Nahant Beach, July 21, 1946. Cars leave from Phillips Brooks House at 10 a.m. and 2 p.m. Bring your own lunch.
 Tea and talk on "Economic Cooking" by Mrs. R. V. Johnson at Cambridge Y.W.C.A., July 24, 1946. 4 to 7 p.m.

DANCING

- Folk Dancing, July 19, 1946 at 9 p.m. in Congregational Church, Garden and Mason Streets, Cambridge. Harvard Folk Dance Society.
 Square dancing, July 18 and July 25, 1946 from 8 p.m. to 11 p.m. at Phillips Brooks House. No admission charge.
 Record Dance, Radcliffe, Whitman Hall, 8-12 p.m., July 19. Free.

MUSIC

- Tea and Esplanade Concert outing sponsored by Phillips Brooks House. Meet at 185 Bay State Road, Boston at 6 p.m. on July 21, 1946.

MUSEUMS

- University Museum. Open daily, 9 a.m. to 4:30 p.m., Sundays 1 p.m. to 4:30 p.m. Includes the Glass Flowers collection.
 Semitic Museum. Open daily, 9 a.m. to 4:30 p.m., Sundays 1 p.m. to 4:30 p.m. Devoted to Near Eastern Archaeology.
 Fogg Art Museum. Open Monday-Friday 9 a.m. to 4 p.m., Saturdays 9 a.m. to 1 p.m. Closed Sundays. Conducted tours, may be arranged in advance at the Secretary's office.

THE OUTER WORLD

MUSIC

- Esplanade concerts, Arthur Fiedler conducting, every evening at 8:30. On banks of Charles near Charles St. subway station. Season concludes July 21, 1946.
 Berkshire Music Festival at Tanglewood in Lenox, Massachusetts. Bach-Mozart program, Saturday evening, July 20, 1946. Repeated Sunday afternoon, July 21.

PLAYS

- Cambridge Summer Theatre on Brattle St. Through July 20, 1946, "Angel Street" with Francis Lederer. From July 22 through July 27, "Burlesque" with Bert Lahr.
 Boston Summer Theatre, New England Mutual Hall, Clarendon St. near Copley Square. Through July 20, 1946, "Burlesque" with Bert Lahr. From July 22 through July 27, "Good-bye Again" with Roger Pryor and Phyllis Brooks.

MOVIES

- University Theatre. July 18 through July 20, "Heartbeat" with Ginger Rogers and "Cinderella Jones" with Joan Leslie. July 21 through July 23, "The Postman Always Rings Twice" with Lana Turner. July 24, review day, "Laura" and "To Have and Have Not."

BASEBALL

- Red Sox play Chicago at Fenway Park, July 18, 19; St. Louis on July 20 and 21 (Double-header). Braves return on July 23 playing Cincinnati in a night game, and daylight games on July 24, 25.

DANCING

- A.V.C. sponsored moonlight, July 19, 1946. Ship leaves India Wharf, Boston at 8 p.m. Returns 11:30. \$2.25 per couple.
 Unusual jazz at The Savoy, Mass. Ave. near Columbus Ave., Boston. Atmosphere interesting. Drinks reasonable.

Suability of Unions

The problem of suability of labor unions is one which is frequently raised in contemporary discussions. In line with the many proposals for amendment of the National Labor Relations Act, it is often stated that organized labor has received a charter of its rights without assuming any correlative responsibilities. The purpose of this paper, therefore, will be to show the gradual evolution of the judicial attitude which has tended increasingly to make labor unions suable at law, contemporaneously with the judicial and statutory recognition of organized labor's rights to collective bargaining.

Logic requires the anticipation of a growing volume of litigation as labor unions extend their activities. Such litigation, however, must first overcome the legal difficulty of suing an unincorporated association. All but a handful of labor unions are voluntary unincorporated associations, and it is the problem of bringing an action for damages against such associations that the courts have only gradually come to treat as surmountable.

It must be noted here, of course, that an employer may often find it unwise, as a practical matter, to sue a labor union for damages. Such action may lead to resentment on the part of the workers and consequent future disturbances. But it is true of any existent legal remedy that its enforcement may not always be wise, practically. The important fact remains that such remedy is available when it is wanted.

Damages constitute the logical and ordinary remedy for torts committed in the course of industrial disputes. Injury or destruction of property as well as assaults upon individuals are the occasional incidents of picketing. And a strike may sometimes be called in violation of a collective agreement; the breach of such contract is also a reason for the award of damages.

Other instances wherein monetary damages have been sought against labor unions include suits by individual members against the union for wrongful suspension or expulsion. Cases may also arise in which attorneys or doctors may have contract claims against unions for professional services rendered.

At Common Law, unincorporated associations could neither sue nor be sued. A union is a non-entity, it is reasoned, and only natural persons or corporations can be parties to legal actions.

JUDICIAL DEPARTURES FROM THE COMMON LAW RULE

The development of organization and power in labor association led some courts away from the anachronistic rule of immunity from suit of unincorporated labor associations. The strongest and most significant of the cases along this line was the *Coronado Coal* case. In 1915 the Supreme Court had sustained an anti-trust suit under the Sherman Act against a labor union in the famous *Danbury* haters case. The basis for that decision was that the union had acted as agent for its members. Therefore, the members were liable for its torts which they had ratified by continuing to delegate authority to its officers to do what the court considered to be lawful restraint of trade.

This rather strained introduction of the law of principal and agent was clarified in the *Coronado* case. The actual decision of the *Coronado* case reversing the judgment for treble damages, is not important except insofar as it indicated the questionable aspects of the agency relationship between an international union and its local. The dictum of the case completely reversed the old common law rule.

The court said that a labor union is an entity distinct from its members and could be sued as such. As proof of its separate character it was pointed out "... in every way the union acts as a business entity, distinct from its members. No organized corporation has greater unity of action, and in none is more power centered in the governing executive bodies." The court continued, "... out of the very necessities of the existing conditions and the utter impossibility of doing justice otherwise, the suable character of such an organization as this has come to be recognized in some jurisdictions, and many suits for and against labor unions are reported in which no question has been raised as to the right to treat them in their closely united action and functions as artificial persons capable of suing and being sued."

The United States Supreme Court was not the only court to declare unions to be suable even without the sanction of statutes. Some state courts arrived at similar results independently. In *Nissen et al. v. International Brotherhood et al.*, the defendant union was held liable for damages in a tortious expulsion of the plaintiff members. The court's approach to the problem will be analyzed below in the discussion of the theory of the entity, but it can be noted here that the court held the union to be estopped from urging its non-entity. A similar theory was expounded by the Illinois court in an action for a widow's death benefits.

The New York courts have never attempted to arrive at the result of suability through tenuous stretching of the doctrine of estoppel. They have for many years held that "A labor union is a legal entity."

Whether or not the Kentucky courts would hold unions to be generally suable is still open to question. However, in *Williams v. United Mine Workers*, it was held that labor unions that acted as employers could certainly be sued in their own names under the Fair Labor Standards Act. And the court made reference to the fact that federal courts hold unions to be suable.

However, even these jurisdictions which have recognized the suability of labor unions as organizations have done so with reservations. Although the *Coronado* decisions have never been overruled, their effect was considerably vitiated by the decision in *Erie Railroad v. Tompkins*. That case reversed the century old rule of *Swift v. Tyson* regarding the rules of procedure in federal courts whose jurisdiction had been invoked because of diversity of citizenship. The *Erie* decision held that a federal court exercising its jurisdiction by reason of

diversity of citizenship (as distinguished from cases involving questions under the U.S. Constitution or laws enacted by Congress) must apply the law of the state that was the "locus delicti". Obviously this rule limits the application of the *Coronado* decision by federal courts to cases involving a federal question.

A logically consistent result of this decision was reached in *Bartling v. CIO* where the court said that if a tort action constituted the sole question involved, the citizenship of all the members of the defendant union must be different from that of each plaintiff. Otherwise, the federal court would not take jurisdiction. A meritorious federal question had to be involved.

In *The Worthington Pump* case, a federal court said "In this U. S. District Court, sitting in a matter in which it is alleged that there is diversity jurisdiction, the law of Massachusetts is controlling in determining the capacity of the parties and their suability at law ... in Massachusetts a labor union is not a corporate entity, may not be sued as a person, and may not be subjected to any decree."

A somewhat more questionable, albeit similar result was reached in the very recent Pullman Standard case. The court there allowed damages in a libel suit against the individual defendants but not against the labor union. Its grounds were that under Rule 17(b) of the Federal Rules of Civil Procedure, the capacity to sue or be sued in a federal court is determined by state law (here Illinois) except that unincorporated associations can be sued anyway if a substantive right under the U. S. Constitution or federal laws is involved. As no federal question was determined here, it was held that the union could not be sued. This seems questionable to this writer because Illinois decisions have held labor unions not suable at common law but suable where they can be estopped from denying their corporate existence. Judge Sparks dissented very earnestly, saying that unions were entities and therefore suable.

Another limitation of the *Coronado* decision was laid down in *Sperry Products v. Association of American Railroads*. There the court declared in a patent infringement case that while it was now possible to sue an unincorporated association, neither of those rules "... made any change in the nature of the liability, which at common law in cases of tort was that of the members severally." This would seem to be a clear departure from the dictum of the *Coronado* case that declared the unions as such liable for the torts of their members.

However, these variances from the *Coronado* decision are not at all indicative of its demise, merely of its limitations. A number of fairly recent federal cases have strongly reaffirmed the existence of unincorporated associations as entities and thus implied their suability where clear federal questions were involved.

Limitation of the doctrine of union suability has not been confined to the federal courts alone. New York also, having been among the first to recognize the fact of entity existence of labor unions, has limited the application of the doctrine. Thus, in *Segenfeld v. Friedman*, although the court recognized the entity character of labor unions, it held that the defendant union could not be enjoined "... for no proof is presented to establish that it either authorized or ratified the acts complained of. To identify the union with the acts of others clear and convincing evidence is required." Thus the test of ratification limits the applicability of the suability rule. This is, of course, logical and necessary. It would be at least as unfair to hold a labor union responsible for the completely unauthorized torts of a member as to hold a business firm responsible for the acts of its agent who goes "on a frolic of his own."

In a damage suit by a member against a labor union, it was held that the plaintiff must first exhaust his remedies within the union itself, and that the courts "should be ever watchful that unions be not subjected unnecessarily to damage actions at law." This, too, is a necessary and fair limitation.

Labor unions might be held suable under statutes in effect in at least fifteen states which provide that unincorporated associations may sue or be sued in their own names. However, examination of the decisions in which the issues were affected by the existence of such statutes reveals the same chaotic disagreement between courts as existed before their enactment.

Thus in *Hromek v. Gemeinde*, the Wisconsin court said, "the interpled union ... has no entity or existence apart from its members, although for convenience it is permitted that the group comprising the union be sued in the name adopted by the association. This is a procedural provision and does not in any way change the status of the group or its substantive liabilities." On the other hand, the Washington court, operating under a similar statute, has held a labor union to be suable in equity on the theory of class suits where defendants are too numerous to mention. While their suability at law, therefore, remains still questionable under such statutes, the wording of that decision did not preclude such suits.

In New Jersey, Michigan, South Carolina, Vermont and Maryland a broader type of statute has been adopted. In substance these statutes make unincorporated associations capable of suing and being sued in law or equity in their organization names. The entity theory is hinted at in these clauses which provide that death or incapacity of any member is not to affect any pending action; but provision is also made for election of remedy against the individual members. Such a statute was upheld as early as 1902 as being constitutional, within the legislative power and not class legislation. The court stated in that decision that the act was not void as affording a double remedy for the same cause of action merely because the right to proceed against individual members was preserved. However, the South Carolina court confused the issue somewhat by saying that such statute did permit the association to be sued in its accustomed name, but that an unincorporated association was still in no sense a legal entity. The clause in such statutes permitting election of remedies against the association or its constituent individuals implies that their primary targets were partnerships and related

business associations. However, as indicated above, they have been held applicable to labor unions.

The Rhode Island and New York statutes, while substantially similar provide that there is to be no personal action against members until execution against the association is returned unsatisfied. The Code of Alabama goes somewhat further, since it says nothing at all about personal liability, merely providing for execution against the association property.

The New York courts have construed the statute quite strictly. Thus, in *Hagan v. Bricklayers et al.*, a motion to set aside service of a summons and complaint under section 13 was granted on the ground that as the statute made no provision for substituted service, such service, was invalid. An action brought against the president of a defendant union was held not maintainable in the absence of proof of the liability of the members. And in *Strobel v. Irving*, the court laid down the rule of vigilance against unnecessary damage actions against labor unions.

The Virginia Code of 1942 is unique in one sense, namely, that it requires that "judgments and executions against any such association or order shall bind its real and personal property in like manner as if it were incorporated."

In connection with statutory modifications of the suability of labor unions, at least one state made an abortive attempt to achieve this through compulsory incorporation. However, the State Supreme Court there held the act to be unconstitutional on the grounds that picketing was an exercise of the right of freedom of speech which cannot be denied to others by limiting its enjoyment to corporations alone.

THE ENTITY THEORY

It must be obvious to any student of the problem that the present results of both judicial interpretation and statutory evolution leave the question of suability of labor unions in a chaotic state of indecision. From the decisions it is obvious that the hurdle at which most courts pause is the question of entity. Once they determine that a labor union is an entity separate and distinct from its constituent members they find little difficulty in determining that it is suable in its own name.

One approach to the problem is that labor unions should be estopped from denying their entity existence. In their principal dealings they aim towards the forming of collective agreements. By making these collective agreements they represent themselves as being capable of making contracts, i.e., that they are *sui juris*. Since there is reliance upon this representation they must properly be estopped from denying their unit existence. This theory was the basis of decision in *Nissen v. International Brotherhood*. Yet, that very case illustrates the specious nature of estoppel reasoning to arrive at the theory of entity. For in that case the plaintiff was a member of the labor union and not a party to a collective agreement. The representation of entity implicit in the union's collective bargaining was made to the McCoy Trucking Co., the employer. On the basic theories of estoppel the party who is entitled to rely upon the promise or representation is the party to whom such representation is made. As the plaintiff was not a party to the collective agreement it is very far-fetched theorizing that allows him to sue the labor union on the grounds that it is estopped from denying its existence to him.

The one conceivable argument that might be advanced against this criticism is that the employee was a third party beneficiary to the contract between the union and the employer. But if this were so, the question would necessarily arise (since American jurisdictions divide on the issue of which can sue at law and which must go to equity) as to whether he is a donee-creditor, or incidental beneficiary, or some new hybrid form. I submit that this sort of theorizing can lead into an endless maze of inapplicable terminology. By absorption in the technicalities of those terms the courts may ultimately lose sight of the entity principle.

A related but equally inadequate approach on the basis of estoppel was that proposed by the Illinois court in *Josephine Duggan v. International Association of Bridge and Structural Iron Workers*. The court there said "A voluntary association consisting of local unions throughout the United States, but which bears a name which implies a corporation, and has an organization consisting of a president, first vice-president, board of directors, secretary and treasurer, a constitution and by-laws, and a common seal, is estopped from denying its corporate existence." It is conceivable that the court here could not resist the emotional appeal of an international labor union arraying its vast powers in defensive litigation against a bereaved widow. But it would seem that even on these facts saying that "International Association ... of Workers" implies a corporation is a true stretching of the imagination. The other test of officers, constitution and by-laws would seem to estop every high-school fraternity from denying its corporate existence.

The most simple and intelligent approach to the problem of suability of labor unions is the recognition by the courts of realities. Judge Sparks plainly stated the rationale of this theory in his dissenting opinion in the Pullman Standard case. He pointed out that a union "makes leases and contracts in its association name, and it is required to be dealt with as a juristic personality and entity entirely separate from its members." He continued, saying that if a union is not an entity Congress has authorized a non-entity to carry out the National

Labor Relations Act. (While this thought appears generally sound, it would seem that Congress authorized the NLRB and not the unions as such to carry out the Act.)

In *Busby v. Electric Utilities Employees Union* the U. S. Court of Appeals for the District of Columbia stated, "To-day there is substantial agreement that voluntary labor organizations may sue and are suable in their common name and that funds in the common treasury are subject to execution in suits for torts committed and contracts made in the common enterprise. ... So also the fictional entity must in common fairness be recognized for the protection of those dealing with such associations and claiming that in such dealings their legal rights have been violated."

The New York courts, which have adhered to the entity theory have also enunciated the logical converse to suability of labor unions. Unincorporated associations are "to be regarded as entities to the extent necessary to permit suits for libel to be brought in their behalf by their officers."

It is a logical development from the present recognized position of labor unions that they be judicially recognized as entities which can sue or be sued in their own names. Such recognition should not be concealed behind any tenuous theories of estoppel or quasi-corporate existence. Indiscriminate affixing of differently-conceived legal terms can lead to the distortion of legal development within the molds already set for those terms. The courts must recognize that labor unions operate as entities, make collective agreements to which they intend to adhere and for breach of which they will respond in damages, and will answer in damages for the torts committed by their agents within the scope of their authority.

CONCLUSION

Examination of the cases presented in this essay shows that there has been a long-term evolution in the judicial conception of unincorporated associations to the point where some jurisdictions now hold that unions have the capacity to sue and be sued in their own names. Moreover, there has been a contemporaneous statutory development that has led a number of courts to the same conclusion. There have, of course, been modifications and limitations imposed on each large forward step. Nevertheless, comparison of the dictum in *Pickett v. Walsh* with that of the *Busby* case shows that long strides which have been made by the

courts in recognizing the entity nature of modern labor unions. The labor unions themselves have admitted their legal entity existence. Obviously there is still too much adherence to the common law rules, especially in those jurisdictions which have statutes that are susceptible to realistic interpretation. Nevertheless, there is a long term trend towards holding labor unions to be suable as entities in their own names, with some courts already committed to that conclusion and others waiting only for legislative fiat. The ultimate general recognition by all courts of this fact of economic life will lead to greater stability and confidence in future collective bargaining.

Norman E. Henkin

HOTEL COMMANDER

Across the Common from Harvard

All Rooms with Bath from \$3.30

COLONIAL DINING ROOM
DRUM ROOM

Private Dining Rooms for:
Luncheons Class Reunions Parties Meetings

16 Garden Street
Cambridge, Mass. Tel. Kirkland 4800

Bella Vista RESTAURANT

LUNCHEON
11:30—3:00

DINNER
6:00—9:00

A LA CARTE
9:00 until closing

Visit our COCKTAIL LOUNGE
Kirkland 4311
44 Church St. Harvard Square

DANCE IN THE COOL OCEAN BREEZES

MOONLIGHT SAIL IN BOSTON HARBOR ABOARD THE
SS MOHAWK CHARTERED BY CAMBRIDGE AND HARVARD
CHAPTERS OF AVC

Sail from India Wharf, 310 Atlantic Avenue
8 P.M., FRIDAY EVENING, JULY 19

Tickets on sale at
AVC OFFICE, PHILLIPS BROOKS HOUSE

\$2.25 PER COUPLE (tax included)

HARVARD LAW REVIEW

SPECIAL STUDENT SUBSCRIPTION RATE

Volume 59 Next Four Issues \$1.00

Volume 60 Eight Issues \$2.00

(Regular rate for 8 issues \$4.50)

Sets of the Harvard Law Review will be seen in the law libraries of the country's foremost law firms. Many of these sets were started at Law School by men who early recognized the Review's value as a comprehensive sourcebook devoted to scholarly and incisive analysis of the vital legal problems of the day. Begin your library now by taking advantage of these low introductory rates!

Inquire at

Harvard Law Review Association

GANNETT HOUSE
CAMBRIDGE 38, MASS.

TENNIS RACKETS

Wright & Ditson — Spaulding — Bancroft

Autograph — Davis Cup — Olympic

Strung and Unstrung

\$5.95 to \$19.00

RACKETS RESTRUNG

Covers \$.65 Presses \$.65 Balls 3 for \$1.50

The COOP

Concentrate Your Buying — Build Your Patronage Refund

CLASSIFIED ADVERTISING

available

to Harvard Law School Members

RATES

\$1.50 an inch one insertion

\$2.50 an inch two insertions

\$3.00 an inch three insertions

Contact the Record Offices, Austin Hall