

The SUFFOLK JOURNAL



"The heights by great men reached and kept
Were not attained by sudden flight;
But they, while their companions slept,
Were toiling upward in the night."
—Longfellow

BOSTON, MASSACHUSETTS

MARCH 21, 1938

VOL. 2, NO. 7

Professor Ratcliffe Returns From Visit To West Coast

LEAVES LOS ANGELES JUST ONE DAY AHEAD OF RAVAGING FLOOD DISASTER

Professor Richard Ratcliffe of the College of Journalism who spent ten days last month on a hasty dash to Los Angeles, California, after the West Coast one day before the flood which devastated the Los Angeles area, he said on his return to Boston.

He told of some California where the average temperature was 70 degrees and the main attraction of the West Coast brought visitors back to the city of Los Angeles.

He said that the weather was clear and the sun shined brightly on the city of Los Angeles.

Professor Ratcliffe returned to Boston on Wednesday, March 20, after a two-day visit to Los Angeles and travel to the city of Los Angeles.

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The train makes its state, more than two minutes in the 2300 mile average speed of ninety miles an hour. It can reach 115 if desirable. On the plains of New Mexico, he said, the train's speed was checked in ten minutes. Once they were in the Rockies, however, an extra engine had to be hitched to the steamship and its speed was diminished considerably.

The trip was made by Professor Ratcliffe, New England's only representative and 30 other newspaper men as guests of the Santa Fe Railroad in Los Angeles during their two-day stop, the famous Ambassador Hotel was their home.

In the West Coast visits were made in the Twentieth Century Club and Parliament building where several pictures were seen in production.

Storm Hits Suffolk

Despite a driving storm that changed traffic and disrupted street car lines on the evening of February 20th, the monthly meeting of the officers went right about as usual. Attendance did not suffer from the storm which, Ralph Boston, Secretary, who was late gave out train tickets and left shortly afterwards for their respective homes.

Suffolk Men Study Facilities Of State House

Buckley, Henchey, Welsh Serve On Committee

Three members of the Suffolk University Law School and Faculty, which later in the month reported that a \$1,000,000 appropriation for the State House was being made available for the study of the State House facilities, were named on a committee to study the State House facilities.

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Traverse Welsh had been a member of the Legislature since 1927 until his appointment by Governor Hurley last fall as one of the trustees of the Boston Elevated. He was graduated from Suffolk Law School in 1925.

Faculty Club

The second meeting of the Faculty Club of Suffolk University was held in Room 10 on Wednesday evening, March 17, at 7:30 p.m., President Huff presiding.

The following members of the teaching staff were present: Prof. Francis, Bryan, Alf, Crockett, Carter, Duffy, McGee, O'Connell, O'Donoghue, Masterson, and Parker.

The secretary's report was read and accepted.

The Nominating Committee reported the following officers for the ensuing year (1938):

President: A. Henry York
Vice-President: Francis J. O'Connell
Secretary: Thomas G. Eckstein
Treasurer: John S. O'Donoghue

Executive Committee

Professor William F. Lowrey, Professor Arthur V. Gatchell, Professor Robert B. Masterson, Professor Mack V. Crockett.

The recommendations of the Nominating Committee were accepted and the above officers were elected for the year 1938.

The probability of a dinner in May has been referred to the Executive Committee.

Feminists Sweep Into Power As Players Elect

Phil Sullivan, Joseph Kelley, James Cunningham New Class Presidents — Sullivan Outlines Administrative Policy

Politics took over the classrooms and corridors of Suffolk University early this month as for two weeks candidates harangued and voters strove to make up their minds as to whom to vote for in the annual elections of the three lower classes of Suffolk Law School.

Victories in the junior class election held February 24 were four students who will be the officers of the senior class of 1939. They were Phil Sullivan, president; Michael John, vice-president; Joseph Edward Kelly, secretary; and Thomas Stanton, treasurer.

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Deadline

Friday, April first is the deadline for cops to be submitted for the April issue of the Journal.

The Journal's requirements are many and varied. Short stories, essays, features, and poetry are all acceptable. The judges, especially desirous, however, of "news tips." A few weeks ago a news tip by a student resulted in a story for the Journal of a visit by a noted psychiatrist to a Suffolk Law School classroom. The Journal wants news tips. You supply the tip and we'll do the rest.

Due to the many and varied ways of preparing copy for the Journal, which have been submitted during the past few months, it seems advisable to set down here a few rules for Journal copy.

All copy must be typewritten and double spaced on 10 x 11 paper. The top margin should be one inch. The bottom margin should be one inch. The left margin should be one inch. The right margin should be one inch. The copy should be submitted to the editor of the Journal, Suffolk University, Boston, Massachusetts.

Plenty of Fireworks Feature Class Elections

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Psychiatrist Lectures To Law Classes

In Earl Lyman's lecture, presented on the staff of the McJannet Hospital for Mental Diseases, in the testimony of an inmate prisoner before the Junior Class of Suffolk Law School on Monday, March 20, he was presented by Professor Warren A. Fogarty.

Dr. Lyman, a resident physician on the staff of the McJannet Hospital for Mental Diseases, is a recognized authority throughout the section of the country on mental cases. In the course of his lecture, the doctor pointed out how various types of insanity and how signs of evidence are affected by the testimony and acts of persons afflicted with some form of mental disorder.

At the conclusion of the doctor's lecture, Professor Fogarty went on to qualify Dr. Lyman as an expert witness in a criminal case. He was presented by Professor Warren A. Fogarty.

After an examination of the witness by the professor, acting in the role of the expert, the court was satisfied that the doctor was qualified to testify as an expert witness. The class was then instructed on how to propound a proper hypothetical question, embodying all the facts in the case to the expert. Dr. Lyman, as a qualified expert witness, then rendered his opinion in regard to the hypothetical question.

Thus by this new manner of class room technique introduced by Professor Fogarty the members of the class gained a clear, practical and working knowledge of a difficult branch of the law of evidence.

Kelly Comes Through

Sophomore class winners in the election of March 24 were Thomas J. Kelley, president; Charles Manning, vice president; Robert MacLaughlin, treasurer; and Francis J. Moran, secretary.

The freshmen class on February 24 elected Walter Cunningham, president; Walter A. Pierce, vice president; and T. J. Brock, secretary and Max Marcello, treasurer.

The campaign had all the air of a political campaign with the winning candidates making statements at the end of the campaign thanking their supporters and reaffirming their campaign platform. During the campaign, corridors and classrooms of the Law School were a scene of tumult as the candidates and their supporters strove to bring in the vote.

Seniors Retain Status Quo

Only in the Senior classes were there peace and quiet, for their officers were elected last year and have as their only worries now the problems of preparation for the final year and solacing themselves in June with its preceding social events.

In an exclusive statement to the Journal, Philip Sullivan, tall, personable young law student, newly elected to the highest position of student and honor which his class could bestow on a fellow student.

"I feel that I am expressing the opinion and desire of my fellow officers when I declare that the will of the class will be the policy of the officers whom the class elected. We accepted a trust and we intend to keep it."

Thus, in plain and hearty manliness, he rendered his opinion in regard to the hypothetical question propounded to him.

Interviews with the other three newly elected incumbents definitely indicated that the new officers were as to matters of administration and working knowledge of a difficult branch of the law of evidence.

Recent Decisions

By KENNETH B. WILLIAMS

Cherry v. Callahan, 12 N.E. (2d) 313, 314, Mass. A.S. (1937) 1339.

Evidence—Corroboration of Witness.

Action of tort to recover damages for personal assault by defendant upon the plaintiff, then eight years old. The assault occurred between 11:30 A.M. and 12:15 A.M. The plaintiff complained to her mother and a police officer between 11:15 and 1 P.M. on the same day. Subject to the defendant's exception, the plaintiff's mother and police officer were permitted to testify as to what the plaintiff told them.

It was in substance the same as the testimony of the plaintiff on the witness stand as to the acts of the defendant. A verdict of \$1,200 was returned for the plaintiff. The Supreme Judicial Court held that the testimony of the mother and the police officer admissible to corroborate the plaintiff's testimony as to the criminal assault. After finding that such testimony is admissible in criminal proceedings for rape, the court said: "We see no reason why testimony, admissible against a defendant when he is prosecuted for alleged criminal acts, should not be received at the trial of a civil action brought to recover damages for the consequences of those acts."

Home Owner's Loan Corporation v. Baker, 12 N.E. (2d) 199, Mass. A.S. (1937) 1343.

Mortgages—Priority of Interests.

On July 8, 1926, defendant mortgaged her home to a bank in the sum of \$2,000 with interest at five per cent. On February 8, 1933, she gave a second mortgage to one Dexter. On the same day she died, her equity to one Laycock, reserving the right to use and occupy the premises during her life. On September 25, 1933, Laycock applied to the plaintiff for a mortgage loan of \$2,713.75, which was granted. The plaintiff paid off the balance due the bank and Dexter on their mortgages and taxes due totaling \$2,488. It also paid \$100 for repairs and \$267.75 for expenses. The plaintiff intended to take a first mortgage, and did not discover the first mortgage until some time thereafter. It then promptly filed a bill in equity to have the defendant's life interest removed from the plaintiff's mortgage.

The court held that the plaintiff was entitled to the relief sought in that as the defendant was not prejudiced by the plaintiff's failure to discover the life interest, it was proper to grant the relief sought. It was held that the plaintiff was entitled to the relief sought in that as the defendant was not prejudiced by the plaintiff's failure to discover the life interest, it was proper to grant the relief sought. It was held that the plaintiff was entitled to the relief sought in that as the defendant was not prejudiced by the plaintiff's failure to discover the life interest, it was proper to grant the relief sought.

Instructor v. Goldberg, 12 N.E. (2d) 776, Mass. A.S. (1938) 109.

Common Carriers—Liability of Passenger—Terms of Other Passenger.

Action by plaintiff to recover for injuries sustained while a passenger for hire in a taxicab owned and operated by the defendant. The plaintiff was entitled to the relief sought in that as the defendant was not prejudiced by the plaintiff's failure to discover the life interest, it was proper to grant the relief sought.

not noticing where she was putting it, to assist herself in rising from her seat. There was no rule strap in the cab. The defendant did not, therefore, and their pews and furniture his seat or assist in any way. The evidence shows that drivers in these cases are decisive against the exemption here claimed.

Bradbury v. Central Vermont Ry., 12 N. E. (2d) 732, Mass. A. S. (1938) 65.

Deceit—Foreign Law as Fact—Judicial Notice.

In November 1931, the plaintiff bought of the defendant's agent at Richmond, Vermont whether Christmas trees could be lawfully shipped from Vermont to Windsor, Ontario. The agent after inquiry from the defendant by telegram informed the plaintiff that the trees could be so shipped subject to a one per cent tax. The plaintiff accordingly shipped the trees only to find that the importation of Christmas trees into Canada was prohibited. The plaintiff as a consequence lost \$900 and sued the defendant for damages resulting from the misstatement by the agent. It was held that the law of a foreign state related to the law of a foreign state or nation. That statement upon facts given in Vermont. Whether it gave rise to a cause of action must be determined in accordance with the law of Vermont. This court may take judicial notice of the law of a foreign state as found in the records and the case-law of the defendant's country.

William T. Stord Memorial Center v. Warham, 12 N.E. (2d) 725, Mass. A.S. (1938) 71.

Taxation—Religious Institutions—Exemptions.

Action of contract to recover a sum paid by the plaintiff for taxes assessed on an premises owned by the plaintiff. The plaintiff owned a dwelling house in Warham which it used during the summer months for the practice of its religious belief, "heavily designated as spiritualism." Certain of the rooms are used wholly for religious purposes. Others are held rooms, used as such for the lodging of the plaintiff's pastor, its reverend, its clerk, and occasionally by others who take part in public religious services and instruction. These persons use the kitchen and dining room for the preparation and serving of meals. Those who dwell in the house pay nothing for their lodging, and devote their time to carrying out the religious purposes of the plaintiff. The court held the property taxable.

It is provided by G. L. (Ter. Ed.) c. 50, s. 2, Eleventh, that no "right to exempt from taxation" houses of religious worship owned by, or held in trust for the use of any religious organization, and the pews and furniture, but the exemption shall not extend to portions of such houses appropriated for purposes other than religious worship or instruction.

Had a separate bill for the ordinary educational, charitable, or religious institution exempt from taxation to the extent that it is appropriated for its distinctive uses." The findings of the court were that the effect that certain rooms of the plaintiff were "used wholly" for "religious" purposes. Manifestly these portions were appropriated for religious purposes other than religious worship or instruction. The plaintiff's contention for the exemption of a part of the building was not sustained. It was held that such exemption was not within the scope of the statute. It was held in Third Congregational Society v. Springfield, 147 Mass. 398, 399, that the Legislature intended to limit

PLAYERS

(Continued from page 1)

President Pickett upon assuming the chair promised a new deal to everyone who no dealing from the bottom of the deck.

The retiring officers were George Bonney, Law 38, president; vice-president, Robert (Crosby) Clark, Law 38; and Secretary Mary-Lou Snow, Journalism 41.

The Executive Committee consists of Law representative Wild Bill Kenney, 35, of Tyngsboro, by gosh, who just missed the honor of being treasurer of his class by two votes. Tough luck, Bill. That rumor that you could have afforded to move back to "40" must have done it.

Journalism representative Virginia "Toots" Sashers of telephone number Dame and Liberal Arts representative Frank (El Shik) Harris, '40, who co-starred in "Little Shet."

Among the old business brought up at this time was a short but warm discussion of the club's long constitution, which it was feared had been stolen by the agents of a foreign power, but which the president, Miss Esther Newsum, much to the disgust of W. Shambler Kenney, who is just aching to write a constitution about something.

Former President George Washington Honey delivered an address touching farewell address upon the state of the union and remarked that he joined the Players not because he believed himself a second Barremer, but just to do his bit toward increasing the school's glory. George certainly did his share of any work connected with the club.

The entertainment was under the personal direction of Mr. C. C. Fran "Big Shot" White in person, whose speaking eloquence matched that of James G. Blaine, the only man from Maine who has been to Suffolk. The first of M. C. White's beautifully arranged repertoire was the rendering of "Bells of St. Mary" and "Ball Along, Silver Moon" by the justly famous Four Hoarsemen: Marcey Pickett, Mary Lou Snow, George Bonney, and Frank Harris. No accompaniment was needed or used.

The second part of "Big Shot's" triplestar program was a reading by Bedford Farwell, the well-known play dramatic. The calibre of Mr. Farwell's work can be judged by the fact that for the half hour of his reading one could have heard a pin drop or captured words by his audience.

It had not been on "Big Shot's" program, as the presentation of a play? "A Quiet Game" by the student which Joe Yello, Bill Kenney, and Terry (Bob) shared the honors. "Solitaire" Yello finally made "Shambler" Kenney slumbers.

Later all in attendance enjoyed a period of listening to the music furnished by Sir Shirley Perich and his absent Late Knights who are in England, and nobody played so sweet all those three had dancing feet—particularly that vicious little blonde girl everyone likes so well.

CLOSE ELECTION

The recent election of glass officers for the Law School body graduated. It was one of the most exciting and thrilling political contests in the history of the Law School.

April Near: Spring Fever Hits Students

It's time Ma got the old folks' and mothers out for Aunt Bessie, she was the first crowd, no amount of our dearth of cold taking off our feet. The first water day that started to show up, and we're glad to see the spring of the year.

Yes, right on the calendar it says it on the 21st of March, Spring shall come, Oh joy! Oh deliverance, as we were wont to say when we were young and innocent.

So mark the date in red letters in your calendar, April 15th to 16th, Spring vacation. Ah, me (yawn) let's go fishing.

Years ago, June.

Fisherman Mike—Yes, Tom, it was a trout of superior size. I never saw such a fish! Shepherd Tom—I believe you, Mike.

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We invite you to join us in Publishing the Journal

EDITORIALS

IN MEMORIAM

With the death of Rev. Henry S. Snyder on February 19, 1928, Suffolk University lost one of its earliest friends. Mr. Snyder was assistant treasurer of the Law School from 1914 to 1921, and it was due to him that the institution was enabled to buy the Vernon Street building in 1911. In no other capacity than Dean Archer's life-insurance policy and faith in the Dean's ability, he loaned to the school \$2000 sufficient to enable it to purchase the building. The fact that he had made this loan just retired from thirty years of service as a Congregational Minister and that he had represented a large share of his savings would have entitled him to recognition. In two years of service his accounts were always accurate to the nth degree. He became a familiar figure to Suffolk graduates—a kindly man who grew old gracefully, being in his advanced age of 83 years.

One of the most teaching evidences of his devotion to the institution was the fact that on February 6, 1926 with the hand of death already upon him, Mr. Snyder set in the front of the auditorium throughout the health dedication program. At two weeks' end of death his condition became alarming. He was taken to a hospital desperately ill—dying thirteen days after the dedication.

The burial occurred in Williamsburg, Massachusetts, where forty years before he had concluded an eight-year pastorate—one of the most brilliant in the annals of the Congregational Church of the town. Scores of his old parishioners came to the church for the funeral and accompanied the body of their beloved pastor to the hilltop cemetery where he was buried beside his mother and his wife. Mr. Snyder was the father of Elizabeth Helen Constance Archer, wife of President Archer.

CO-EDUCATION IN LAW SCHOOL

Owing to the fact that since Purita Law School was founded Suffolk has had a gentlemen's agreement with the authorities of Purita not to admit women, Purita in its turn agreeing not to admit men, Suffolk has barred women from its classes. The recent action of Purita in applying to the legislature for an amendment to its charter authorizing it to become co-educational is an implied amendment of the long unmodeled agreement. Suffolk University is, therefore, free to extend its co-educational plan to the Law School. Beginning with next September's entering class, women may enter the law department on equal terms with men.

TUITION CHANGE IN JOURNALISM

The tuition charge in the College of Journalism since its founding has been \$200 a year—the reason being that it is a professional school that cannot hope to have large classes. Effective after this year, however, the tuition in the College of Journalism will be the same as in every other department of the University—\$100 a year. This will apply to upper classes as well as to the incoming class—a \$100 reduction in tuition.

REMEMBER THE ENDOWMENT FUND

Every Suffolk student and every alumnus have reason to feel proud of the material and honorable history of Suffolk. But perhaps at no stage of its long and honorable history has the development of the institution been so marked and so substantial as during its first year as a university. The first anniversary is just ahead of us. What could be more appropriate than an anniversary remembrance to come one of the various Suffolk functions or activities, the Library, for instance? Then as we consider the conspicuous expansion of the University in face of troublesome times, let us not forget what remains institution each endowment pledge is to those who guide Suffolk onward.

President Archer Honored

The American Historical Society has conferred a fresh honor upon President Archer by beginning the serial publication of a new history to be entitled "The Book Bound Series." The first installment, with a title page of considerable artistic merit taken by the author's camera, will appear in the April issue of "Americana." The book gives a vivid recital of the history of the coast from Boston to Eastport, Maine, during the period from 1600 to 1800, and lays the foundation for the history of the Massachusetts Bay Colony. The ill-fated Sagadahoc settlement in 1607, the only one of many stirring chapters of pioneer life that Dr. Archer's pen has traced in the thirty-year period. Ancient records, including diaries and journals kept by explorers and pioneers, have been consulted freely by the author. His greatest thrill in these researches, as President Archer confesses, was when he went in person to the site of the original Popham or Sagadahoc settlement and with the engineer's pencil in hand traced Oct. 8, 1607, the date upon the granite cliff on which the settlement stood. "No one," he writes, "standing on the highest elevation of the ledge where Captain Popham's house is dedicated to have stood can look down on the vast ledge and its immediate surroundings without a thrill at the flawless accuracy of the ancient map, centour for centour, distance from point to point of the ledge portion of the monument, even the promontory with its beach looking toward the sea and all else to be found at Popham Beach today, about northeast of the present site of the Popham Indian Reservation.

Here, in a book back upon the very ledge which the coming summer will see in the hands of the students, is the reading of their patient. By no great stretch of imagination we may fancy how Captain George Popham, middle-aged and corpulent, climbed to the heights of the granite ramparts in company with the youthful Ralph Gilbert and looked out upon the ocean and turning, gazed upon the majestic island with its headlands and islands.

THE TOMCAT

It might be said that
 you can come to see
 and see the best of a million years
 as he always has made out

Madeline, too, I believe,
 I got and I got and I got
 His eyes are dark from the middle of his
 And he looks a black and hard

The reason, and number of all papers
 And he has a very sharp chest
 And he sings to the rest of the family
 For other, or for

From from a world personal,
 He and his living, class
 When the finished and moving lines over the
 ends.

Free time to other ways of time
 He will be one a big someone
 And he will be one a big someone
 And he will be one a big someone
 And he will be one a big someone

But at midnight on the altar
 He will reach again and wait,
 And he will be one for his dream's end
 With the swing of his dream's end.

—WILSON MARQUIS

He Was Right
 "Simp Manager—What do you
 think of arguing with that cap-
 tain?" "Don't you know your rule?"
 The customer is always right."
 "Excuse me—I know it. But he
 insisted that he was wrong."
 —Telephone Topics.

You and Your Pen

It is my belief that everybody has a poetic instinct within himself, within the poetic gift may remain buried forever, not because of a nullity of talent but because of a failure of endeavor. To write poetry of an appealing type you would think that all you have to do is to wait for an inspiration, whether you get it from a beautiful face or a pair through an ancient and deplorable section of a city, and scribble your draft. Then, without "editing" it further, you show it to a friend or two, and either hear words of insensate praise or see expression that is all question marks. Your courage sinks to the lowest possible ebb—no more will you try to breach the ranks of the great. That is a deplorable beginning. It is the same as a reversal of well-laid plans from which you invariably obtain "No more planning for me. I'm done with it." It is apparent then that something has miscalculated—some foundation was built upon a rotten pile—instead of brick and mortar. That pile-top in this instance which the settlement stood. "No one," he writes, "standing on the highest elevation of the ledge where Captain Popham's house is dedicated to have stood can look down on the vast ledge and its immediate surroundings without a thrill at the flawless accuracy of the ancient map, centour for centour, distance from point to point of the ledge portion of the monument, even the promontory with its beach looking toward the sea and all else to be found at Popham Beach today, about northeast of the present site of the Popham Indian Reservation.

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PRESIDENT ARCHER'S COLUMN

Why Not an Alumni Federation?

The growing army of Suffolk Alumni presents far greater problems of organization than is true of the usual college or university. With three divisions in each class in the Law School it is difficult for the students in one division to become acquainted with those in other divisions. By the Senior Year, however, the class becomes quite thoroughly amalgamated. Then come graduation and the disbanding of the class as an effective unit. For years I have been watching this process with dismay because I realize that in every class we have men of great ability who could be of real assistance to each other in their battle for recognition. Some of our earlier classes already demonstrate that even unaided by their fellows a very large percentage achieve genuine distinction in the world. In other institutions, especially in the doctrine classes, we have a few men of great ability who could be of real assistance to each other in their battle for recognition. Some of our earlier classes already demonstrate that even unaided by their fellows a very large percentage achieve genuine distinction in the world. In other institutions, especially in the doctrine classes, we have a few men of great ability who could be of real assistance to each other in their battle for recognition.

LAWYER'S COLUMN

Hold 'Em Dog!
 The doctor was interviewing the lay patient in the surgery when a sudden ruckus in crying "Doctor! Doctor!" came quickly. My husband has swallowed a mouse!" "Get back to him," said the doctor. "And try eating a piece of cheese about in front of his mouth. I'll follow you as soon as possible." Five minutes later the doctor reached the house. A man was lying on a settee with his mouth open, his eyes staring. The woman was waving a fish about close to his face. "Oh, Suffolk woman," he cried. "I told you cheese!" "I know that," she shrieked. "But I've got to get the cat out first!"

ALUMNI ASSOCIATION

- (1) Each class to be regarded as a functioning chapter of the Alumni Association—to hold periodic meetings as a unit, the secretary arranging for meeting place at the University or elsewhere and supplying news items concerning class or its members to the "Suffolk Journal."
- (2) That the Senate of the Alumni Association be hereafter composed of the President and Secretary of each class that has been graduated from any department and has an actual organization.
- (3) That the Senate meet at stated times in the University Building in a hall to be assigned for such meetings to be presided over by the President of the Association.
- (4) That an annual convocation of graduates be held in the University auditorium to pass upon matters submitted by the Senate of the Association.

