When a poor man dies he's usually done for, but a rich man emerges into the perfect life and leaves behind him a shell of wealth that preserves his likeness. Relatives, to a degree of illusion that is no thinner than water, contribute their pious memories; business associates review his ways for his guidance, instancing what he did in this case and that. Creditors shoulder in with vouchers and detailed explanations; debtors are laid hold of, memoranda are scrutinized to the last pencil scratch of the vanished hand. Ladies come, it may be, with claims of common law, lipsing circumstantially the secret that the decedent had hid cleverly, leading in by the hands, perhaps, blooming pledges of unblessed affection; people defrauded of expectations call in the reporters and set lawyers at the estate to worry it. Sentiment evaporates in the heat: all things are made plain. The poor man's effigy is idealized out of all knowing; only to the rich man there comes at once—the after judgment.
Student Council

STEPPED in the very essence of service to the student body of New Jersey Law School, the Student Council has become a veritable institution in itself.

Founded by far-seeing students and a progressive faculty, the Student Council has justified every ounce of effort put into it. The Council, first under Reginald Parnell, then William J. Egan and during the past year under the leadership of Robert L. Howard, has become an integrated body with definite ideals and objectives. Outranging the obstacles encountered along the thorny path of progress, it has survived—survived as a fitting memorial to those through whose effort it was established. The reuniting governing body of the Student Council of 1927 passed into history with a highly commendable record.

As associates, the new president had Jacob Heller as Vice-President, Charles B. Mason as Secretary and Franklin J. Marryott as Treasurer. The first task to be accomplished was the engineering of a proper system of organizing the different classes and the conducting of their elections. With a minimum of delay, but not at the sacrifice of practical efficiency, the Freshmen, Junior and Senior classes took on a political identity with student-elected leaders at the head of each class, and within the first few weeks of the school year 1928, every class launched into the sea of school activities gently riding the waves of obstacles with capable men at their helms.

Next in order was the election of the Student Council Representatives by the respective classes. The students so elected appear on adjoining pages.

Thus the Student Council of the year 1928-1929 became a complete body again, having as its members the president of each class, a Student Representative from each class, three Faculty members, two Alumni members, and the president and secretary of the Council.

The Faculty members are: Dean George S. Harris, Prof. Basil H. Pollitt, Herbert C. Hunsacker and Franklin J. Marryott.

Under the direct supervision of the Council The Barister resumed its bi-monthly publication with school and other timely topics. Ardent and enthusiastic student body, every issue of The Barister was eagerly anticipated and avidly devoured by the attentive eyes of the students.

Their Legacy—well—the reader can judge himself whether the Council has sponsored a worthy object or not. It might be appropriate to say here that New Jersey Law School is one of the few law schools in this country that publish a Senior Annual.

An innovation was attempted most successfully in establishing a series of inter-class debates. Giving free of forensic ability an opportunity to display their talent, the competition to represent the different classes was very keen. The reception accorded this venture has given rise to the hope that this will become a permanent extra-curricular activity.

With the Junior Prom the Council inaugurated a school social function which it is hoped will take a permanent place in the program of extra curricula activities and will provide a medium whereby the students will become socialized and acquainted with one another. This affair, held on March 23, was largely attended and proved highly successful. The Student Council of 1928-1929 dies with the School year, but the work it has accomplished shall never die; it has endeavored in every way possible to elevate so far as within its power, the already high standards of the school and it has truly succeeded.
The Six Carpenters’ Case

By Sir Frederick Pollock

I
This case befell at four of the clock
(Now listen to what I shall say),
And the year was the seventh of James the First,
On a fine September day.
The birds on the bough sing loud and sing low,
What trespass shall be ab initio.

II
It was Thomas Newman and five his fees
(These more would have made them nine),
And they entered into John Vaux’s house.
That had the Queen’s head sign.
The birds on the bough sing loud and sing low.
What trespass shall be ab initio.

III
They called anon for a quart of wine
(They were carpenters all by trade)
And they drank about till they drank it out,
And when they had drank they had paid.
The birds on the bough sing loud and sing low.
What trespass shall be ab initio.

IV
One spake this word in John Riddins’ ear,
(White manchets are sweet and fine)
“Fair Sir, we are fain of a penn’orth of bread,
And another quart of wine.”
The birds on the bough sing loud and sing low.
What trespass shall be ab initio.

V
Full lightbright thereof they did eat and drink
(To drink is, I say, no blame).
“Now tell me eight pennies,” quoth Master Vaux;
But they would not pay the same.
The birds on the bough sing loud and sing low.
What trespass shall be ab initio.

VI
“Ye have trespassed with force and arms, ye knowes
(The six be too strong for me),
But your trespass entry shall cost you dear,
And that the King’s Court shall see.”
The birds on the bough sing loud and sing low.
What trespass shall be ab initio.

VII
Sez per totam curiam ‘twas well resolved
(Not, reader, this difference),
That in more not doing, no trespass is,
And John Vaux went empty thence.
The birds on the bough sing loud and sing low.
What trespass shall be ab initio.
The Barrister

The BARRISTER entered its third year with the following staff: Charles B. Mason, Editor-in-Chief; Joseph Rafferty, Managing Editor; Benjamin Greenwood, Business Manager; Sidney Silverberg, Art Editor; Paul Kleinberg, Exchange Editor; and Abraham Markowitz, Alumni Editor. The Associate Editors were Harold Wertheimer, L. Arthur San Filippo, James Rosen, William Wattens, Edwin Corriston, Henry Goldthorpe, and Sydney Kirshen. Upon the resignation of Mr. Rafferty at the Mid-Term, John M. Contant was appointed Managing Editor to succeed him.

The size of the paper was greatly enlarged this year and many new features were added to help The Barrister live up to its new motto, "To be at all times an organ to voice the opinions and represent the best interests of the entire Student Body, and to assist and co-operate with all other student activities."

Throughout the year The Barrister has conducted Legal Question and Answer Contests with prizes for the students who submit the most worthy opinions in the eyes of the faculty judging committee.

Many splendid articles on legal subjects have been submitted by alumni, students, and faculty members which have proven extremely useful to those preparing for their Bar Examinations.

The Barrister this year has waged a successful campaign to start inter-cla and inter-club debating leagues which have provided hundreds of students with the opportunity to learn to speak forcefully in public which they otherwise would not have had.

As a result of the sixteen-page Alumni Edition which was sent to every graduate of the School, plans were first laid for a highly successful Alumni Dinner. On the front page of the Alumni issue was a full-page picture of the beautiful plaque unveiled this year to the late Dean and Founder of the School, Charles M. Mason.

Throughout the year The Barrister has given its whole-hearted support to the Student Council, Varsity Debating Team, Junior Prom, Alumni Association, The LEAGUE, Lexi Lod, and other student activities and organizations, and we of the staff feel justly proud of the results accomplished.

Charles Bloomfield Mason, Editor-in-Chief.
LEX LOCI

NEW JERSEY LAW SCHOOL
1928–1929

ARTHUR KIMMEL

Lex Loci

LEX LOCI, the law of the place, the law of this place, New Jersey Law School, first saw the light of day on October 6, 1927. To the present editor of THE LEGACY, Arthur E. Schmauder, goes the credit for the institution of a student handbook at New Jersey Law School.

In endeavoring to increase the scope of our extra-curricula activities, the idea was conceived of having small hand-books distributed to the law students, within which could be placed timely information to the students. While it is a prevalent practice for universities to sponsor such publications, it was practically an innovation for a law school to do so.

In October, 1927, the student body of New Jersey Law School was pleasantly surprised to receive a small, black, leather bound volume, entitled Lex Loci.

A cursory turning of pages revealed the wealth of material contained therein—a cordial message from the Dean; the Faculty’s regulations; the activities and societies to which students are eligible; the requirements for admission to the Bar; and a host of other things.

In May, 1928, the Student Council of New Jersey Law School appointed Arthur Kimmel the editor-in-chief for the next volume.

Amongst his innovations were the changing of the color of the book to brown and gold, the School’s colors; and a general revision of the material so as to conform to the new rules and regulations of the School.

To Donald P. Taylor and Benjamin B. H. Greenwood goes the credit for having established the two volumes on a sound financial basis.

It is the aim of Lex Loci to present, in a clear, concise fashion, the rules and regulations by which the student body is governed; to list the official societies, fraternities, and sororities; to list the extra-curricular activities, such as Debating; and to acquaint the students with the Law School, its ideals and traditions.
NEW JERSEY LAW SCHOOL has concluded another successful season in the debating field. The 1928-29 schedule included debates with Harvard, Princeton and Dartmouth. Although all three debates were conducted on the Oxford plan, with two members of each team on the affirmative and two on the negative, the decision being left to the audience, New Jersey Law School's representatives were far ahead of their rivals on each occasion in speaking ability, delivery and soundness of argument.

Much of the credit for the success of the team is due Coach Frederick H. Grool. He did not depend entirely on the veteran members of the squad, but developed several good speakers among the new members who made excellent showings in the debates against Princeton and Dartmouth. Among these members Mr. Grool will have to build his 1929-30 team, as he will lose three veterans by graduation. All three, Benjamin C. Van Tine, Julius Kass and Joseph F. Donahue, have been members of the debating team their three years in school.

The first debate of the season was with Harvard. It was held November 2, 1928, at the Old First Presbyterian Church. The subject was one which held great public interest at the time, the Democratic and Republican platforms as expounded in the Presidential election campaign. New Jersey Law School was represented by Mr. Van Tine, Mr. Kass, Mr. Donahue, and Vincent F. X. Carlsten, a member of the 1927-28 team. Harry F. Becker was alternate. Mr. Van Tine and Mr. Carlsten spoke on the Republican platform and Mr. Donahue and Mr. Kass on the Democratic planks.

In the Princeton debate, the N. J. L. S. speakers were Abner Brodie, Charles B. Mason, Mr. Becker and Mr. Donahue. Mr. Becker and Mr. Brodie argued the affirmative and Mr. Mason and Mr. Donahue the negative. The debate was held December 6, 1928, at the Old First Presbyterian Church. The subject was: "Resolved, That the United States Senate Should Confirm the Kellogg Peace Pact."

The debate against Dartmouth was held March 1, 1929. The subject was: "Resolved, That Advertising is the Curse of the Age." On that occasion New Jersey Law School was represented by Mr. Van Tine, Mr. Donahue and Herbert C. Tietze.

William F. Watters was student manager of the debating team for the third season.
McClelland Law Club

To the preacher life's a sermon,
To the judge life's a suit,
To the miner life is money,
To the leader life is ease.
To the lawyer life's a trial,
To the poet life's a song,
To the doctor life's a project,
That needs treatment right along.

Life is just a long vacation
To the man who loves his work.
Life's an everlastimg toil
To the man who knows the thrill.
To the artist, honest worker,
Life's a story ever new.
Life is what we try to make it.
What is life to you?

THE McClelland Law Club owes its inception, in 1919, to the desire on the part of a few earnest students to perpetuate the memory and principles of a man who possessed a wonderful personality and unusual oratorical ability. Professor McClelland, despite his maturity, was a man of high ideals, dreams and visions. His sterling qualities and character were recognized by all and were admirably reflected in his meteoric rise and brilliant career. From a backwoods minister he became one of the leading preachers in the "City of Churches." He was chosen as a member of the select "Senate" of New York University and later when his eyes began to fail him he entered the University Law School. Despite his great handicap he received his LL.B. degree, "magna cum laude." Later he became a professor of law at New Jersey Law School and while there was a source of continual inspiration to all who came in contact with him. His death was mourned by all.

The regular procedure of the organization as carried on in its weekly meetings is designed to develop the forensic ability of its members and to increase their knowledge of parliamentary procedure and important current topics. Among some of the activities may be mentioned moot trials, formal and informal debates, prepared and extemporaneous speeches, odes, lectures, and discussions of legal problems.

The outstanding event of the past year was the grand noon trial held during the Christmas vacation at the Essex County Court House. Assistant Prosecutor Simon Fish presided as justice over the murder trial, a strangulation case which he himself had prosecuted about a year before. The prosecutors for the State were David M. Malovany and Harry Cohen. The defense attorneys were Joseph F. Donohue and James V. Piro. The members of the club were the witnesses. All acquitted themselves commendably. The fine work of the Arrangement Committee under the able supervision of our diligent president, Abraham Schulberg, made the occasion a huge success.

The "itera vires" activities of the club were a theatre party which was greatly enjoyed by all who attended, and an interesting and highly instructive visit to the State Prison.

"To the lawyer life's a trial." Yes—one long trial. The organization hopes that the participation in its activities will better equip its members so that they may with a greater degree of certainty obtain a verdict and judgment in their favor; the fulfillment of the dreams and visions of their youth.

To every man a speech
Away and weep and a way,
And the high soul climb the high way,
And the low soul grip the low,
And every man 되들어.
The way his soul shall go.
Gavel Club

AFTER several years of preliminary work the Gavel Club was formed at New Jersey Law School. It consists of the Law School students, graduates and members of the faculty who are of the Masonic fraternity. It has been the Gavel Club’s aim to lead its members in those noble ideals as represented by the teacher of all law teachers, Blackstone, and to inspire in its members that spirit of legal learning and high scholarship as emulated by the late Dean Mason.

The years 1929 and 1930 promise to be progressive ones for the Gavel Club. A new policy has been inaugurated whereby instead of having monthly meetings there will be one business and one open meeting every month. At the open meeting the various fraternities and students are invited to attend, it being intended to have past officers of the Gavel Club as well as prominent speakers and members of the faculty address the gatherings. This innovation is hoped to materially help in bringing the law students into closer fraternal relationship with each other. The alumni of the Gavel Club are always notified of the meetings and their valuable suggestions will be as welcome in the future as they have been in the past. Debating, oratory, legal ethics and parliamentary procedure constitute, in the main, the activities of the club.

The Gavel Club is making efforts to join the national organization of the Square and Compass Club, existing in all leading colleges, and hopes to become affiliated with that organization before this year’s work is completed. The present membership of the club is fifty-five and includes faculty members as well as school alumni.

The Gavel Club’s officers are A. S. Shapiro, President; Edward Moftit, Vice-President; Saul Lehr, Secretary; Martin Spiegel, Treasurer, and Leroy E. Heise, Tiler.

All graduates who are members of the Masonic fraternity are requested to communicate with the club secretary, who will give any information which may be desired.
Organized one year ago, the Atlantic City Club has developed into one of the outstanding organizations of New Jersey Law School. The new membership is made up of students whose homes are in Atlantic City. The purpose of the club is to bond together these students and by means of social activity promote their zeal and general welfare, and not only to keep alive their interest in the School, but to help maintain close harmony with their fellow-townsmen.

The Atlantic City Club was one of the first of the school organizations to enter a team in the Inter-Club Debating League which was launched this year. In the early part of the winter the Club held a bridge and dance at Toni’s Restaurant which proved to be a huge success. During the Christmas holidays the members entertained friends and alumni at the Second Annual Christmas Party which was given at the Hotel Esplanade in Atlantic City. These events are typical of the Atlantic City Club’s social programme.

The Senior members who leave this year extend their heartiest wishes for continued success.

Members
Leon Weinstroh
Israel Steinberg
Irwin Fields
Isadore Ginsberg
Samuel Wolf
Mahlon Taylor
Albert Loeb

Irwin LeWine
Joseph Kaufman
Sydney Frankel
Joseph A. Rafferty
Harold L. Wertheimer
Sylvia Weinstroh
Albert Foreman

Harold Rottenberg
Lexion

The practical result of certain legal-minded visionaries in the morning class of 1929. It has succeeded in its objective of promoting legal, social and educational intercourse among its members. Lexion takes pardonable pride in announcing as members the outstanding men of the class. Membership in Lexion, a quasi-honorary organization, is restricted to the Senior Class, the invitations being extended in the latter semester of the Junior year.

Lexion's record of the past three years contains notes on its Moot trials, learned discourses and programs consistently interesting; its annual banquet, and monthly Conclaves of Conviviality. The program meetings are held regularly each week of the school year.

Lexion's roster:

Faculty Members
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Joseph Cohen  Harry Lonoof  Paul Feuerlicht
Louis Cronson  Mario Schettino  Moe Blumenthal

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The Alphian Society

The inauguration of the Pre-Legal department marked the advent of a society which has come to be one of the leaders in extra-curricula affairs.

Its aims and purposes were to achieve and maintain for its members a high grade of scholastic excellence, and, in striving for this standard, to encourage and cultivate a feeling of mutual assistance and friendship.

However modest its beginnings may have been its position in New Jersey Law School today does all the more credit to the men who have been responsible for its steady and rapid increase in size and prestige.

The bane of every organization,—exclusiveness, has been overcome by a simple expedient. The founders recognized the fact that very few students will want to devote their time and patience to a work which is for the benefit of the group as a body. Those who would have the necessary spirit would not make the group too unwieldy or change its original character into that of simply a mass organization.

The Alphian Society is doing things in a manner much to be commended.

The lectures are supplemented with well-written and able research topics at least once every week.

The papers are kept on file and are an index to the quality of work which is being fostered.

Round-robin discussions and forum meetings are but another method of the Alphian Society to encourage its members to think and speak logically and legally.

Its social activities are too well known to need enumeration here.

A credit to New Jersey Law School and the pride of its members the Alphian Society stands now firm and established in the Law School.
Avukah

A VUKAH, translated literally from the Hebrew, means a light, a torch, a beacon. It is the hope of the organization bearing the name to some day light the way for the return of the Jewish nation to their homeland, Palestine.

The Avukah represents the American student element in the World Zionist Movement. It is affiliated with the Zionist Organization of America and has chapters in colleges all over the United States. Its purpose is to spread knowledge of the World Zionist Movement among the Jewish college students and to prepare them for active leadership in the movement after they leave college. It affords the students an opportunity to advance themselves intellectually and to create new and lasting friendships bound by a common cause. It furnishes its members with a forum in which to express their Zionist spirit.

The Zionist Movement aims to establish a national homeland in Palestine for the Jews of the world. It seeks to place the Jewish nation in the position of a world leader and to make Palestine again the spiritual center of the world. The tremendous enrollment in the organization, the great interest in its publications and doings, and the whole-hearted response to its appeals readily show the popularity of the movement.

The New Jersey Law School Chapter of Avukah, which was organized in 1926, has continued to maintain the principles of the national organization. Its only requirement for membership is that the applicant be a student desiring to learn something about Jewish History and the Zionist Movement. The organization has listened, several times during the course of the past year, to highly instructive and entertaining addresses by prominent leaders of the Zionist movement.

To those now going out into the world to practice law and take prominent places in their respective communities, the knowledge that they have acquired of the popular movement, taught and followed by Avukah, will be of beneficial assistance to them in becoming leaders instead of followers.

Avukah cordially invites the undergraduate to come in and acquaint himself with this far-reaching movement.

Avukah extends to the graduate sincere wishes for a successful future and continued work for Zionism.

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This unwritten or common law is properly distinguishable into three kinds: 1. General customs: which are the universal rule in the whole kingdom, and form the common law, in its strictest and more usual signification. 2. Particular customs: which for the most part affect only the inhabitants of particular districts. 3. Certain particular laws, which, by custom, are adopted and used by some particular courts, of pretty general and extensive jurisdiction.

1. As to general customs, or the common law properly so called: this is that law, by which proceedings and determinations in the king's ordinary courts of justice are guided and directed. This, for the most part, settles the course by which lands descend by inheritance: the manner and form of acquiring and transferring property, the solemnities and obligation of contracts: the rules of expounding wills, deeds, and acts of parliament: the respective remedies of civil injuries: the several species of temporal offences, with the manner and degree of punishment: and an infinite number of minute particulars, which diffuse themselves as extensively as the ordinary distribution of common justice requires. Thus, for example, that there shall be four superior courts of record, the Chancery, the King's Bench, the Common Place, and the Exchequer; —that property may be acquired and transferred by writing: —that a deed is of no validity unless sealed and delivered: —that wills shall be construed more favorably, and deeds more strictly: —that money lent upon bond is recoverable by action of debt: —that breaking the public peace is an offence, and punishable by fine and imprisonment: —all these are doctrines that are not set down in any written statute or ordinance, but depend merely upon immemorial usage, that is, upon common law for their support.

Blackstone Commentaries, 1. 67.
1929 Legacy

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L. Arthur San Filippo
Arthur E. Schmader
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Benjamin C. Van Tine
Archibald A. Wacker
William F. Watters
John C. Wegner
Edward G. Weiss
Ernest A. Willhauzen
Roderick L. Perkins

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National Legal Fraternity of Lambda Alpha Phi

KALISCH SENATE
LAWRENCE BARNETT WEINBERG

THE year 1929 marks the 10th anniversary of the existence of the National Legal Fraternity of Lambda Alpha Phi. Since its birth at the New Jersey Law School, the fraternity has expanded considerably. When the fraternity was first organized, the membership consisted of a handful of young law students who had banded together for their mutual benefit.

In such well-known law schools as Columbia University, New York University, University of Pittsburgh and Westminster Law School of Denver, Colorado, may be found chapters of the Lambda Alpha Phi Fraternity. Each of the chapters, because of the work of its members, has taken a prominent part in the activities, both scholastic and fraternal, in their respective schools.

Kalisch Senate numbers among its members some of the leading practitioners of the New Jersey Bar and also some of the most active students at the Law School. In the list of honorary members, may be found such names as:

HON. SAMUEL KALISCH, Justice of the New Jersey Supreme Court.
HON. JACOB L. NEWMAN, former Prosecutor of Essex County.
HON. BENJAMIN M. WEINBERG
HON. MILTON M. UNGER
HON. JOSEPH SIEGELER, Judge of the Juvenile Court of Essex County.

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Theta Alpha Phi Fraternity

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ALPHA—NEW YORK UNIVERSITY

BETA—CITY COLLEGE OF NEW YORK

GAMMA—N. Y. COLLEGE OF DENTISTRY

DELTA—NEW JERSEY LAW SCHOOL

ZETA—NEW YORK LAW SCHOOL

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Sigma Tau Law Fraternity

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HARRY PERKEL  
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Fiedler, William  
Fiores, Michael  
Goodwin, Elmer  
Heller, Harold  
Horowitz, Michael  
Jacobs, Harold  
Jostels, Victor  
Manley, John J.  
Manini, Ernest

Neumany, Charles  
Ottewell, William  
Perkel, Harry  
Petrosino, Joe G.  
Reiner, Carman  
Rockliss, Maurice  
Rosen, Daniel J.  
Schwebel, Morton  
Shaner, Ralph  
Stevens, Gilbert  
Tabbs, L. Clifford  
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Yawitz, Saul  
Zazzali, Peter C.
Alpha Pi Kappa Fraternity

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LOUIS MAJO  CHARLES DeFAZIO, JR.  JOSEPHI SOLIMINE
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Assemblyman Nicholas W. D'Elia, B.S., C.E., L.L.B.

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Jerry Centanni
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Chapters

Exalted Grandmaster, Anthony B. D'Elia, Jr.

Alpha

Grand

Gamma

Epsilon

Beta

Sigma

Kappa

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Delta Sigma Phi

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MORRIS GRUNDMAN
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Secretary

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ler. Jacob
tz. Hyman
Leo
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Morris
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ro. Robert
S.
Ira M.
an. Jacob
rg. Max Ph.
b. L.

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Marcus, Samuel L.
Orman, L.
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Perlmutter, R.
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Safran, Raymond
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Epsilon Chapter
Chartered at New Jersey Law School, May, 1925

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Melnick, Harry
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Chapter Roll of Sigma Tau Law Fraternity
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Beta—Brooklyn Law School
Gamma—New Jersey Law School
Delta—Fordham
Theta—St. John's Law School
Kappa—New York Law School
Epsilon—University of Toronto
Sigma—Southwestern (Calif.) Univ.
Zeta—University of Chicago
Iota—Mercer Beasley Law School

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Delta Kappa Tau Law Fraternity

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Frates ex-Collegio

Irving Rand

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Frates in Praesenti

Irving Minion

Harry Cohen

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Phi Sigma Lambda

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NATIONAL LEGAL SORORITY
Beta Chapter
Organized in 1923

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Schnell, Helen
Schoenwald, Rose
Sroch, Margaret R. (Mrs.)
Seltenfriend, Lillian
Siegel, Rebecca
Winnik, Bette

The Sorority offers a prize of $25.00 to the woman who receives the highest grades during her three years at the New Jersey Law School.
Beta Iota Sorority

The local chapter of Beta Iota Legal Sorority was organized at the New Jersey Law School in 1926. It was started by Mrs. Mima Pollitt, a member of Nu Chapter, George Washington University, Washington, D.C. Active negotiations are under way to obtain a charter from the national chapter and it is expected that it will be granted in the near future.

Higher standards of legal scholarship among the women students of law is the aim of the sorority.

Efforts are being made to keep the women graduates in actual close touch with the cause of legal education, and to co-operate with one another in the actual practice of the law.

Regular meetings are being held in which plans are prepared so that this purpose may be obtained.

The study of law is a serious business and members are encouraged to regard it in its proper light—adjustment of human relationships. This should lead to a much higher level of attainment in the field of the law, and to the development of the highest ethics by the women graduates of the New Jersey Law School in the practice of their profession.

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Iota Alpha Pi Sorority

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Helen Kelodin Kaltman
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The National Council of Iota Alpha Pi has created a fund to help all students needing financial aid, and every year, to that member of the Junior Class receiving the highest average in the course of Equity, the sorority offers two volumes as a prize.

Qualities That Make a Successful Trial Lawyer

Lawyers are naturally divided into two distinct headings of advocacy in accordance with the inclinations that their natural capabilities direct them. One heading comprises those who are directed and inclined to become essentially office lawyers, as distinguished from the trial lawyers who constitute another related branch.

This essential distinction is prevalent amongst the members of the bar despite the fact that many lawyers are somewhat hesitant to admit it because they believe themselves to be so versatile as to be able to adapt themselves with very little difficulty, to both fields of endeavor. These two branches of the legal profession require different and opposite faculties and qualifications which are practically not co-existent in the same individual.

A trial lawyer is one who engages in the litigation of problems of controversy in Court. This kind of work moulds the advocate, into a sharp, shrewd, energetic, demonstrative and very often eloquent counsel.

Hence, it is not difficult to conceive that the advocate must be equipped with different weapons than the staid, industrious, but conservative office lawyer. The first step towards the achievement of the desired position of a leading advocate or trial lawyer is to store away a large amount of knowledge. The advocate should possess a thorough and accurate understanding of the principles of the law. This alone is insufficient, however, as far as the advocate's mental qualifications are concerned. He must be acquainted with the principles of psychology, philosophy, history, political economy, and above all, human nature. These subjects will give latitude to his knowledge of the law and thoroughly equip him to meet the problems that will confront him in his great task.

The advocate must be a man of integrity and sincerity and as honest as the immortal Lincoln. He must prove himself absolutely trustworthy. otherwise he can never hope to obtain the concurrence of the jurors, at one, to win the controversy submitted to them to decide. Once an advocate invades suspicion he commences to sink rapidly from a legal luminary into legal oblivion. His moral standard must be of the highest type. He must be ever ethical in his practice because nothing will blunt one's morals sooner than unethical practices.

The disreputable lawyer possesses a notion that the legal profession is a commercial agency. Clients will burn the road to the door of an honest advocate because with him the primary object of the profession is to obtain justice.

It is self-evident that the successful advocate must have mastered the English language. It must be remembered that words are thought-carrying vehicles which must be directed with precision if they are to create the same mental pictures in the mind of the Court and jury, that exist in the mind of the advocate.

An accurate knowledge of rhetoric and grammar establishes a firm roadmap upon which the thought-carrying vehicles can travel to their destination speedily and convincingly.

The trained ear takes offense at grammatical errors and if fallen into frequently the advocate loses his influence over his audience. Have advocates
ascended to the highest pinnacle of legal success by having mastered only the fundamental principles of the law and the English language? This question hardly needs an answer. These are merely the attributes or materials an advocate employs to arrive at his purpose. In his breast the advocate of excellence carries a hidden treasure, a force that grips, persuades, that showers tears, or creates smiles as the advocate commands. A force that dispels doubt and removes clouds. A gigantic and terrific power that moves people to acquire un-
consciously. That innate quality that has been called eloquence which has made immortal the name of Cicero, Erskine, Burke, Webster, Clay and Choate. Professor Tichnor said of Webster after listening to his Plymouth address, "Three or four times I thought my temple would burst with the gush of blood, he was like the mount that might not be touched and that burned with fire."

This gift called eloquence has been described in many ways. It has been called everything that is mighty from a stirring, burning inspiration to a power which is mightier than the sword. It is said of Rufus Choate's oratory after a lawyer had swung the jury his way and advised them against the wishes of Rufus Choate. "It was a curious sight, to see the look of confidence and disdain, the averted eye, and then the change; first the changed posture of the body, the slight opening of the mouth, then the look first of curiosity, then of doubt, then of respect. The surrender of the eye to eye of the advocate, then the spell! Charm! The great enchantment till at last, jury, audience, and all were swept away and followed the conqueror captive in his triumphal march."

Some advocates make the mistake of indulging in mouthfuls of wind and florid talk which is waste effort. Lincoln never spoke more than twenty minutes and Choate about an hour. Oratory when overdue is worse than none at all. It is like giving overdoses of medicine with the expectation of bringing fruitful results but actually doing great harm. Concerning this Dr. Hall once wrote: "If I were upon trial for my life and my advocate should amuse the jury with tropes and figures, burying his argument beneath a procession of metaphors, I would say to him, 'You are more for your vanity than my hanging.'"

Though eloquence and oratory is found to be inherent, at its best it may be developed and cultivated by hard and assiduous study of the works of renowned orators.

There have been advocates, however, who have climbed the ladder of success without any marked ability in eloquence and oratory, but such advocates possess qualities that are closely analogous to eloquent oratory. These are a rational imagination, a quick power of perception, and a power of retention which carry those advocates through their difficulties with apparently the same ease as natural orators.

Systematic work is another secret of an advocate's success. One who is regular and steady in his professional affairs is admired. An efficient advocate is bound to have a systematic routine from which he deviates only in case of absolute necessity. He is punctual in court and in his appointments with clients and other attorneys. He never darts step into court on his nerve, but thoroughly prepares all his cases. Being unprepared retards progress and overtaxes the patience of the court and jury. When an advocate is unprepared he has no weapons with which to fight, and is similar to a soldier who goes into battle without his gun, doing an injustice to himself and his country.

Resourcefulness is a quality that all leading advocates have at their command. This quality develops courage. It is that which makes advocates appear so much at ease, tranquil and ready to meet any turn in the case. It is the ability to slip out of difficult places and to take hold of the situation with an ease that spells out confidence. It is the ability to shift from humor to seriousness with incredible rapidity.

The absence of resourcefulness in the makeup of an advocate means timidity which in turn spells out failure for the man and his cause.

Lastly, the leading advocates impress us with their attractive and magnetic personalities. They maintain a neat and decent appearance. They never appear in court needily of the services of a barber or a tailor. They are careful not to present a freakish appearance by the display of gaudy apparel and conflicting tones of dress, because such appearance reduces dependability. They are never found in quarters occupied by reputable lawyers and their offices are as neat and as orderly as their person and are free from loungers and loud talking. The atmosphere and environment surrounding these men is full of professional dignity.

Advocate of excellence are courteous to the court, jury and their opponents. They are indulgent with the young, fair to the women, easy with those who speak the truth, but unmerciful to the perjurers. In a word the advocate who looks and acts his profession helps his success immensely. These in conclusion are the qualities of the leading advocates that shape themselves into a standard that must be attained and maintained by the ambitious young men who are striving to reach this goal and wish to attain the lofty distinction of being a successful trial lawyer.

FINIS.

INTO all contracts, whether made between States and individuals or between individuals only, there enter conditions which arise not out of the literal terms of the contract itself; they are superinduced by the pre-existing and higher authority of the laws of nature, of nations, or of the community to which the parties belong: they are always presumed, to be known and recognized by all, are binding upon all, and need never, therefore, be carried into express stipulations, for this could add nothing to their force. Every contract is made in subordination to them, and must yield to their control, as conditions inherent and paramount, wherever a necessity for their execution shall occur. Such a condition is the right of eminent domain. This right does not operate to impair the contract affected by it, but recognizes its obligation in the fullest extent, claiming only the fulfillment of an essential and inseparable condition.

West River Bridge Co. v. Dix (1848) 6 Howard. 507.

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We admit, as all must admit, that the powers of the government are limited, and that its limits are not to be transcended. But we think the sound construction of the constitution must allow to the national legislature that discretion, with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it, in the manner most beneficial to the people. Let the end be legitimate, let it be within the scope of the constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the constitution, are constitutional.

McCallum v. The States of Maryland et al (1819) 4 Wheaton 316.