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1894

Twenty-fifth Anniversary of
Graduation of Class of '94
New York University
Law School

1894—1919



Class LC 1161

Book N61k

PRESENTED BY

1894

Twenty-fifth Anniversary of
Graduation of Class of '94
New York University

School of law (Law School) *Class of 1894*

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National Democratic Club
New York City

❖ ❖ ❖ ❖

Wednesday, May 28, 1919

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1894—1919

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Edited and Compiled by Moses H. Grossman, LL. B.

LC 1161
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1894

Gift
Hon. Maria H. Crossman
June 7, 1890

Ms. A. 9. 2. 30
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"A wonderful stream is the River Time,
As it runs through the realm of Tears,
With a faultless rhythm, and a musical rhyme,
And a broader sweep, and a surge sublime,
As it blends with the ocean of Years."

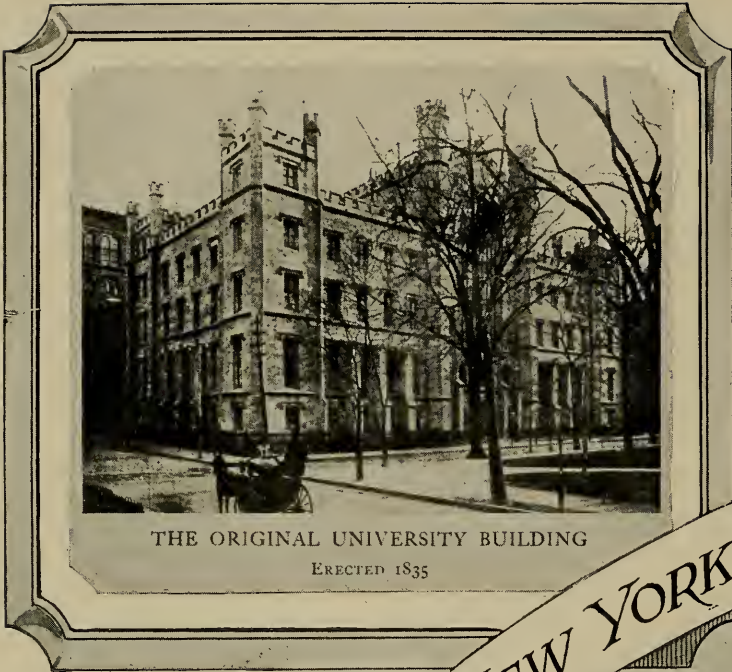
Benjamin F. Taylor.



1894 - 1919

Say if remembrance days like these endears
Beyond the rapture of succeeding years?
Say can ambition's fevered dream bestow
So sweet abalm to soothe your hours of woe?
Can treasures, hoarded for some thankless son,
Can royal smiles or wreaths by slaughter won,
Can star or ermine, man's maturer toys
(For glittering baubles are not left to boys),
Recall one scene so much beloved to view
As those when Youth her garland twined for you?

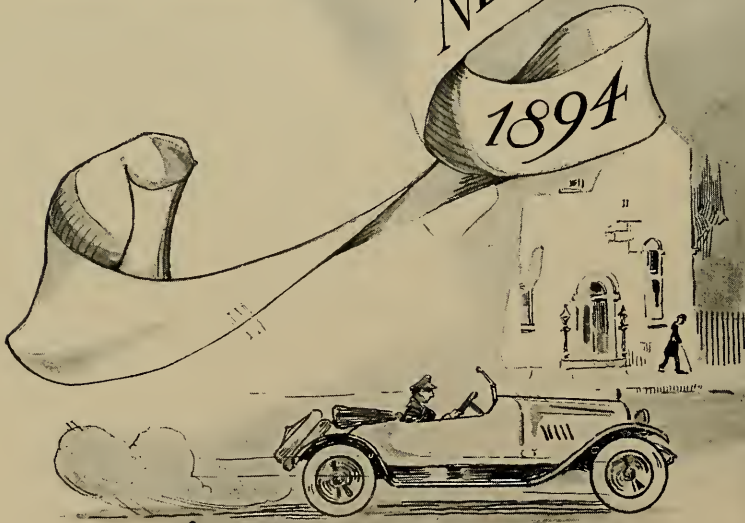
-Byron.



THE ORIGINAL UNIVERSITY BUILDING

ERECTED 1835

NEW YORK UNIVERS

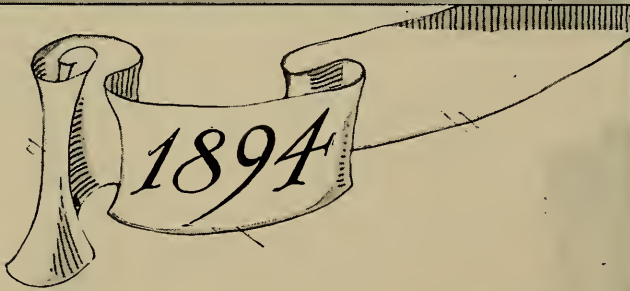




Y LAW SCHOOL

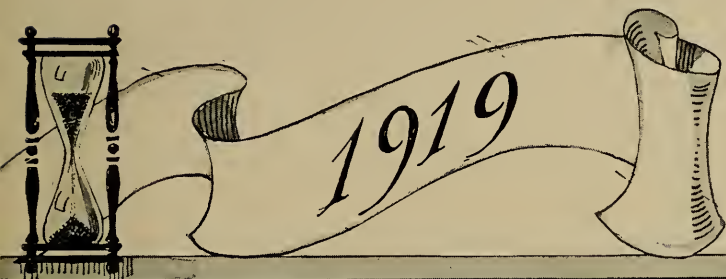
1919





THE REUNION

WEDNESDAY, MAY 28, 1919



On the evening of Wednesday, May 28th, 1919, a large number of our classmates assembled at the National Democratic Club, Fifth Avenue, New York City.



After informal greetings were

—the

MEN

Grape Fruit, Supp

Essence of Tom

Scallions

Almonds

Sea Bass Saute, M

Cucumbers

Saddle of Spring Lamb

Asparagus Tips

Breast of Guinea Hen with

Lettuce and Tomato

Strawberries, Cha

Camembert Cheese

Coffee

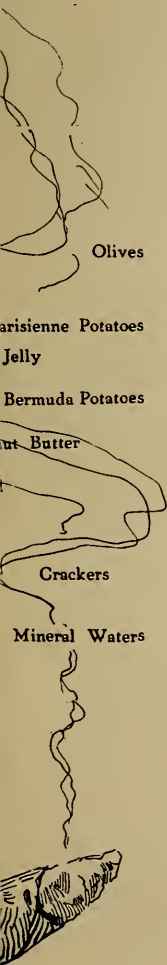
Cocktails

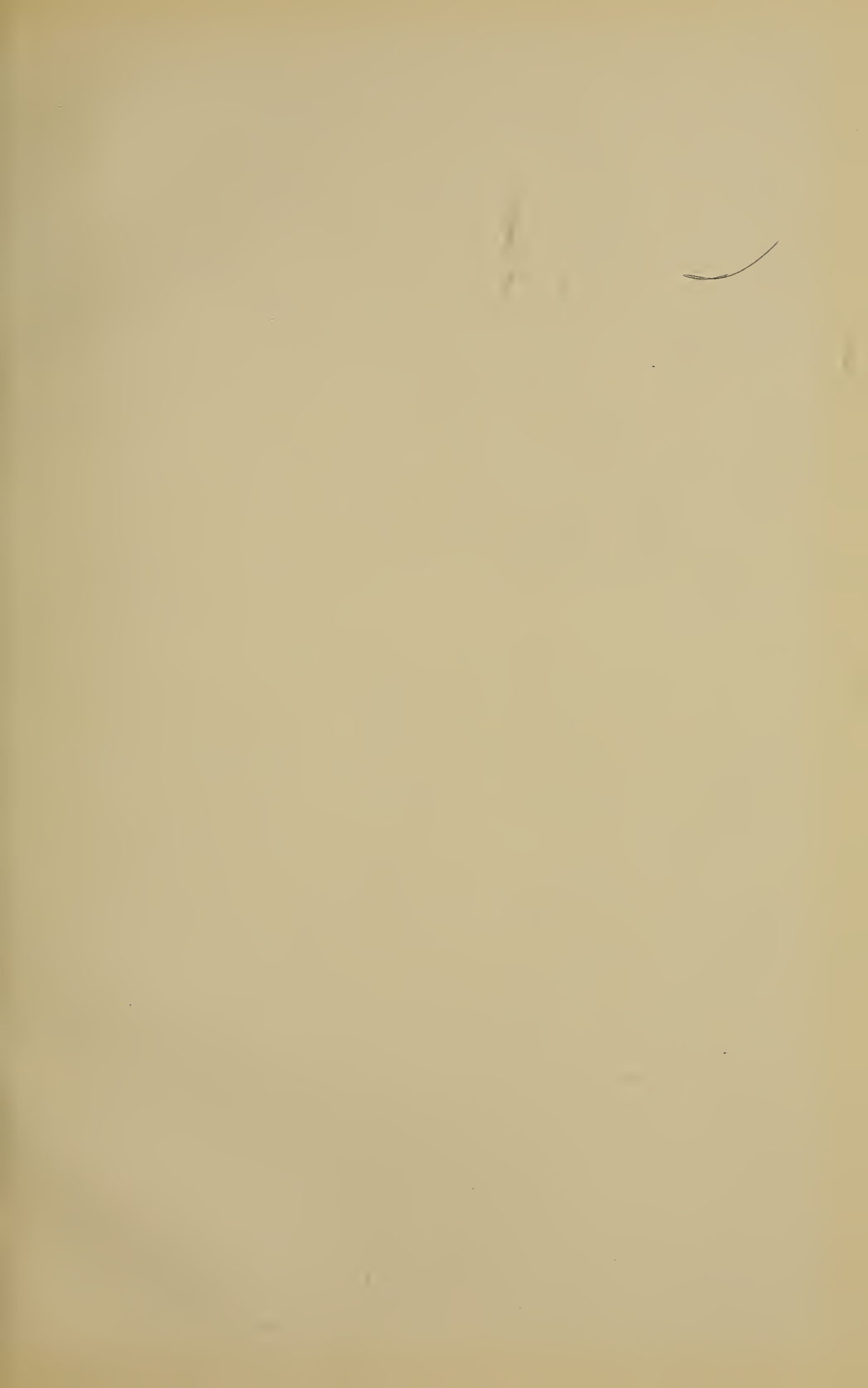
Cigarettes

Seza



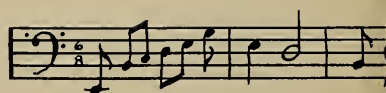
interchanged
past was next in order







Mr. H
very gracefully
functions of C



After songs by Harry Arms
of "Sweet Adeline" and other p

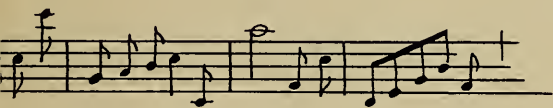
The more formal proce
of the evening

Harold E. Lippincott

discharged the

Toastmaster

during the evening



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Introduction

It is not easily possible after a lapse of years to be able to resume the delightful intimacies of youth. Viewpoints change too much with the passage of time. But the stimulation of the memory which comes from meeting youthful companions again makes the reunion profitable, for memory is one of our most fruitful sources of pleasure and there is often satisfaction even in recalling incidents that at the time of their occurrence were far from agreeable.

Since Law '94 left Alma Mater's classic shades, a quarter of a century has wended its remorseless way into the realms of the past. Within that period have occurred the mightiest changes in the world's affairs since history has been recorded.

The map of the world has been transformed. Dynasties and kings have been overthrown and dogmas and doctrines which threaten the pillars of our civilization have menacingly made their advent.

Far and wide have our classmates gone, striving in the law's arena 'midst all the tumult and the shouting to uphold its noblest traditions and to stand unswervingly for the support of our beloved institutions, since that fateful day when, at the door of the University, they bade each other farewell and God-speed! Fortune has crowned many with the laurels of undying fame and enriched them with golden rewards. Others of our brethren, less favored, but none the less beloved, have fallen by the way-side. Those who still remain, inspired by fond memories of the light of college days, at the summons of our Valedictorian, have once again gathered about the festive board to lay aside, for a brief moment, the graver tasks of the day and renew the friendships of those youthful, happy times.

This little book is the record of that joyous occasion.

PROCEEDINGS

THE TOASTMASTER: Twenty-five years ago there was considerable raw material at Washington Square. At that time the future of the Class of '94 was deposited in the hands of our Class Historian. All that he had in mind as a matter of prophecy he emitted at that time, and it was looked upon with more or less levity and amusement.

I have been asked where some of these gentlemen to-night were at the time and I find that all those who are present graduated in '94. The old building was torn down after we left and a change came in the management of the law school. Our class had the honor of having the last elected class valedictorian. At that time it was an honor that was obtained largely through strife.

We agreed that the best man won and he had it. We are greatly indebted to that event, for it is due to the wonderful spirit of the man who was our valedictorian that we have been called together so successfully to-night. (Applause.)

I wish to pay a tribute to the wisdom of the class in selecting Moses H. Grossman as its valedictorian, for there could have been no more loyal friend to the Class of '94 than he has proven to be.

Jacob M. Guedalia was the Class Historian at that time. I don't know whether he has brought his records with him, but he had a very lively imagination. (Laughter.)

He was gifted even then with eloquence and I think it would be most interesting for him to call on the storehouses of his memory for his prophecies of the day, even if they may be tempered by the fulfillment of twenty-five years.

JACOB M. GUEDALIA: Mr. Toastmaster and Boys—That is about the only way I feel I can adequately express my sentiments

towards you, because when I look at the happy faces of the boys around me to-night the past twenty-five years roll up like a scene. The past disappears, and I can picture to myself the old building at Washington Square and the trials and struggles, the hopes and ideals, of which we were all possessed at that time.

Would that I had sufficient eloquence to pay a fitting tribute of affection to our host, Moses H. Grossman, but no feeble words of mine can do the subject justice. We all know Moe Grossman and, knowing him, love him.

I don't care to rely upon the storehouses of my memory, for I am still somewhat old-maidish in my practice of harboring and saving every old scrap of paper connected with events for which I have fondness and affection. In rummaging through some of my old papers I came across a copy of the History of the Class of '94 published in *The Violet* at that time. Violet is so proper a color, so near the purple; and the purple, what shall I say, of royalty, or pretty nearly that, has rested upon the shoulders of some of our class. The Class of '94 need not be ashamed of the personnel of its members.

But I am not here to make a speech. I am going to read that little squib I wrote in 1894, and like plays which are revived after years, I wonder if, after these years, it will sound anything like it did at that time. Like an old man, I have to put on my glasses (laughter) while I read you the article:

"'94 LAW HISTORY

"Never did a class assemble in the historic old structure on East Washington Square with more determination to dazzle the universe with its wealth of legal learning than the Class of '94.

"Each individual member has made a solemn declaration to himself that he will remember the accounts of the personal experiences of the learned professor whose lectures are sprinkled so plentifully with them, and in a measure profit thereby. Can more be asked or expected of aspiring students?

"It has been said, and rightly, that all good things appear in a combination of three, and the Class of '94 can offer nothing

in refutation of this popular fancy. The presence of three charming young ladies would in itself remove the musty odor that clings about the books borrowed from the office shelves, even if Miss Voos was not sometimes provided with choice exotics, which she so generously distributes. It is known that there is a picture of Miss Richardson somewhere in existence, but, owing to that young lady's excessive modesty, it will not grace the pages of this publication.

"The class of '94 has made a departure at once unique and fortunate. Unique because contrary to precedent, and fortunate because wise. The care of dealing with turbulent filibusters in the intricacies of parliamentary wrangles has been entrusted to Miss Florence H. Dangerfield, and to her credit be it said that this young lady is the personification of dignity and stands up for her rights 'like a man.'

"Pleasant to relate, the conferring of judicial honors upon a number of our classmates has not rendered them less convivial as associates around the festive board, and it is to be hoped that the careful preparation of opinions will teach them to be doubly careful about expressing them.

"It would be difficult to estimate the extraordinary amount of care and trouble that has confronted Lovatt in his efforts to organize a class glee club. Lovatt possesses a beautiful onion tenor and Leslie a deep garlic bass. Both have very strong voices and aid the janitor materially in keeping the corridor free of loungers.

"Hendrickson has gained a reputation as a consumer—of cigarettes. It matters not if a lecture has started before he has finished charging his person with nicotine and, besides, to interrupt brings one prominently into notice.

"What the members of the class would do without Czaki is a contingency that is even too horrible to contemplate in the abstract. When Czaki nods approval—note it with large capitals—rest assured that no adjudication can ever modify anything which is stamped with his mark as being good law.

"There is a mountain of strength in 'Baby' Hill, whose sole aim in life is to catch an early train, except when scholarly Lippincott teases him, and then, in a moment of mistaken enthusiasm, he would like to punch Baird's innocent head.





“Yes, the class of '94 is quite an institution. It being composed of individuals unmistakably brilliant, surprising and puzzling, the members thereof do not intend to conceal their light—no, not even in a hogshead.

“Not content with the opportunities offered by a week's vacation during the Christmas holidays, a banquet was given on the 5th day of January at Morello's. It was a successful affair, and the attendance at Moot Court on the day following was very slim. Credit for the affair belongs to Hahn, he of the springy step and summery manner.

“Many interesting features are expected to be developed in the near future, in which event the class of '94 will again be heard from. And with the hope to be held *memoria in aeterna*, say 'Auf Wiedersehen.'” (Applause.)

THE TOASTMASTER: Look around and recognize history. We have grown up more or less, and out more or less, and from the top more or less. (Laughter.) I am going to take this opportunity to recall to you two or three of our members who would like to have been here, but are unavoidably absent.

(After reading letters of regret from absentees, the Toastmaster continued:)

Edward Sandford, who is well known and thought of by all of us, although, according to his birth certificate, ineligible for service to the United States, by some fiction managed to fix his papers correctly and went through the Plattsburg Camp and obtained a commission and has been in France since July last year. He is at present in charge of the Remount Station of the United States Army in France, and from his last letter—he has not yet had a chance to answer my invitation—he said it looked to him as if he would be there until the indemnity was

collected. (Laughter.) As soon as it seems as if there were an opportunity for him to be demobilized some new job turns up, to which he is assigned. So he is still on the front line in France.

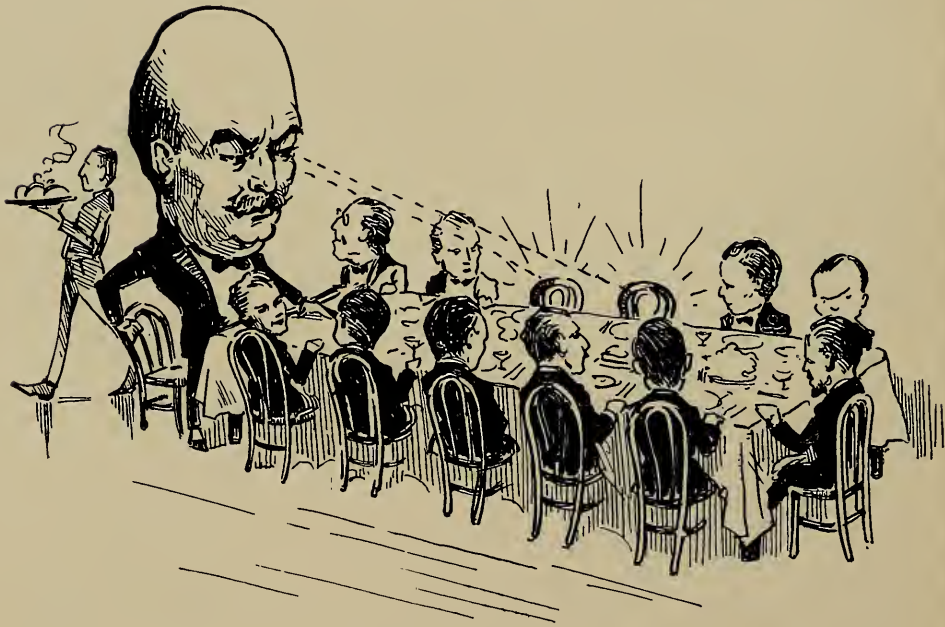
The reference to these women who were in our class, then young girls, brings to my mind the fact that I have been unable to obtain any answer from the former Miss Voos, who married a noted newspaper artist by the name of Hayden Jones. Her letters were returned "Not Found."

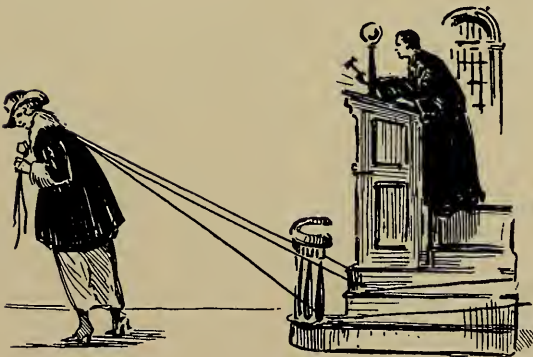
Miss Dangerfield became Mrs. Potter, and she wrote a short note, saying: "I thank you, but the form of your invitation seems so to contradict its substance that, being perhaps the only surviving woman graduate of the class of '94, I feel constrained to absence." I don't know what I said. (Laughter.) Lulu Richardson did not take a degree, I understand, but she took a Justice of the Supreme Court, a member of our class, Charles H. Kelby. And, furthermore, she took him away from us to-night. I was talking with her on the telephone and she said Charles had been ill for over a week and their son was to graduate from St. Paul's School in New Hampshire and they were going to-day to attend that ceremony. Otherwise she would have allowed him to be present. (Laughter.)

Simon Noot wrote an answer to my invitation in which he explained that he is in a position that keeps him traveling on the road and he will be unable in any way to get anywhere near New York at this time, and sends his best wishes and remembrances to all at the dinner.

There are many names that are missing, but those the lapse of time and the hand of nature seem to account for. I regret most exceedingly that I have not been able to get in touch with all who, I am sure, are living, and I hope that before we meet again we will not have to say that we do not know where our members are. And while now addressing you I want to ask you all to be sure to give me a photograph of yourself as near to the present *Anno Domini* as possible, as it is designed to place this dinner and its various happenings in a memorial or souvenir form, to be distributed later, and we want the photograph of every man and also such information as I modestly requested in a letter to you all when I first broached this subject to you.









Bill Quigley was not mentioned as one of our sweet singers, but I understand that when he gets down on his low bass notes that it is not a sight for the gods, but words to that effect. And if Mr. Armstrong can "Rock Him in the Cradle of the Deep," we will be very glad to have Bill show us how it is done. (Applause.)

MR. QUIGLEY then sang "Rocked in the Cradle of the Deep" and was heartily applauded.

THE TOASTMASTER: In this souvenir, of which you have all a copy, there is one sentiment which I find it pleasantly opens to. Under the head of "Auld Lang Syne" appear the words, "Don't trouble yourself much to get new things, whether clothes or friends. Turn to the old. Return to them"—a very happy thought, I think, for this evening, and one which I hope will be followed more frequently in the future than we have in the past. I trust that this reunion dinner, which has waited so long to have its fruition, will be the inspiration and the cause of the continuance of reunions at more frequent intervals as time goes on. (Applause.) Someone said that there was a place forty-five minutes from Broadway, but it took one of our classmates to be the first judge of that place, and that is Van Zelm, and as Van Zelm is with us he may tell us why.

JOHN A. VAN ZELM: Mr. Toastmaster and Fellow-members of '94: I did not come here expecting to be called upon to say anything, because I am from the country. We call it the country, although we are forty-five minutes from Broadway. When I look back twenty-five years I think of Moe Grossman. I was always in trouble at the University. (Laughter.) Always in a hole; always in trouble. I used to go and look up Moe Grossman; go into the library—I would have some moot case to look up—I'd look up Moe Grossman and Moe would help me out. At that time I was employed by Mr. Keogh, now Supreme Court Justice, and I continued in his employ from the

time I was thirteen years of age. He sent me to the New York University Law School because he graduated from the New York University himself—I think away back in '76 or '77—and young Judge Leslie was there at that time. At that time he was called Ike Leslie (laughter) and Professor Jessup was there, too. I recall being at the University from '92 to '94. Then the time came for examinations and I was in a lot of difficulty and I was not going to graduate, apparently, as there seemed to be some difficulty about it. I went to Moe Grossman and I said, "Here, Moe, let us go in the library. I can't see where I am wrong on these propositions at all." Result: I had to go down to Professor Russell's office, down Broadway, all by my lonesome, to take a separate examination down there, because there seemed to be some difficulty among the boys. I was always in trouble. I said, "All right, you're in trouble once more; go ahead." (Laughter.) Well, I graduated anyway.

Now, talking about country law practice, Professor Russell used to tell us, you know, about having a summons issued and what you should do, and all that sort of thing. And then we had Jessup on Surrogate's Practice.

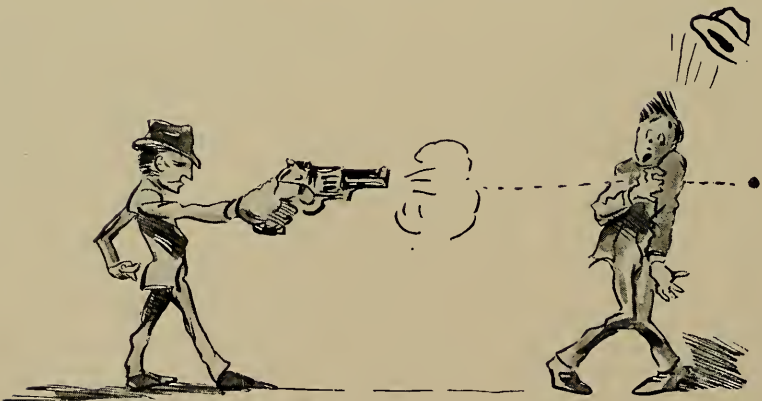
I was always trying to get around to Moe Grossman to get a little information; he was always digging there at the books. I remember a moot case on riparian rights—because at that time Mr. Keogh was attorney for the New Rochelle Water Company. (Laughter.) I said, "Moe, here is a case. I am right in the office, blamed if I can prepare a brief on that sort of thing. Moe, help me out on those riparian rights." Moe certainly did.

Now, getting back to the country lawyer coming down to New York. With all due respect to Judge Rosalsky (laughter) he did treat me shamefully. (Laughter.) There was a fellow up in Harlem. All he was charged with was merely shooting a man. The bullet went through the shoulder. I went to ex-Sheriff Foley and I said, "Tom, I've got to get a bail bond for this fellow." I telephoned to the ex-Sheriff and he said, "All right, I'll send over Burns from the Club and he'll go on his bend." He went on the bond, although I was a Republican. (Laughter.) But, still, the ex-Sheriff went on the bond. Eventually the case was called to trial and I was dumbfounded—be-





Surrogate
needed



cause Jerome was District Attorney at the time and I thought the thing was finished. (Laughter.) I was called to trial. Jerome was out of office. (Laughter.) I said, "What am I going to do, a country lawyer come down here to New York." My client—I couldn't find him; he had simply moved away, that's all. (Laughter.) I appeared in court and I went and saw the then District Attorney. It wasn't Jerome. And we agreed, as we do in Westchester County, over the telephone, to adjourn the matter. On the adjourned day, lo and behold! I had to appear in court again. That surprised me very much, that I should have to appear for a defendant, and Judge Rosalsky said, "Why, you have deceived the Court." (Laughter.) I said, "I beg your pardon. I do not know if I have. I may be very stupid. I'm from Westchester County." And Judge Rosalsky immediately declared the \$2,500 bond forfeited. (Laughter.) Well, then I was in a predicament. This is only a few years ago. I was in a terrible predicament. I went over to Tom Foley. I said, "Why, Rosalsky said that that bond is forfeited. \$2,500!" "Well," Foley said to me, "that puts me in a fine position, doesn't it?" I said, "Yes." (Laughter.) He said, "Well, let's go to work and perhaps we can find this fellow." I said, "I'll tell you, Tom, I've spent at least \$250 trying to locate this defendant. I haven't been able to locate him." Forty-eight hours afterwards they located a defendant. (Laughter.) The bail bond was reinstated and the defendant—I think Tom McManus defended him—he was acquitted. (Laughter.)

Now, getting down to the facts. With all due respect to our ex-Governor—the ex-Governor has not known me at all—but we did have—perhaps you don't know it—but I have been attorney for some breweries for some twenty odd years. (Laughter.) Ruppert's and Schaeffer's, etc., and we had a closed season in New Rochelle. (Laughter.) Well, the Governor was very nice, with the consent of the Commissioners, to close those saloons. Well, then the time came that the raw recruits had to get out of New Rochelle and be taken care of, but with all due respect to the ex-Governor he made a grand statement on that day when we were trying to reopen these saloons in New Rochelle, although he was a Prohibitionist (laughter). The then Governor said, "Gentlemen, we have made a contract"—

and I think I stated to the Governor at the time that we have a contract with the State of New York; these people have paid a license of \$1,000 per year and they could do business under certain conditions provided they obeyed the law and unless some contingency arose (if I am wrong, Governor, you can correct me)—the Governor said, "If those contingencies arise the Excise Commissioner has the right, with the consent of the Governor, to close the places during that contingency," and the Governor said, "Gentlemen, now that contingency no longer exists. Therefore, I feel that the State should keep faith with these men who have paid their money, as it is a contract between the State and those men." And the Governor ordered these saloons opened the following morning. (Applause.)

Am I right, Governor?

EX-GOVERNOR WHITMAN: That is correct.

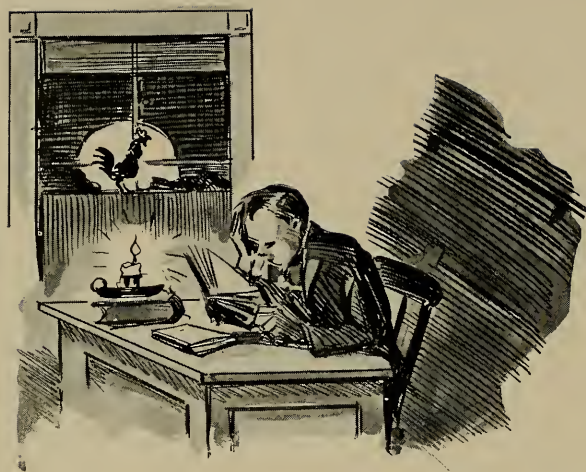
THE TOASTMASTER: If Judge Van Zelm had followed in his later tracks the course of his earlier years, he would have met with more immediate success, because if he had gone to Moe Grossman he probably would not have had that difficulty with the bail bond. (Laughter.) If you are a little shaky yet in the law, Moe is still alive. I hope that you will remember it when another contingency arises.

It is always good form to allow a person who is accused to answer. Judge Rosalsky is here in the flesh and I think he is able to give another view to the very serious situation which resulted so fortunately to Brother Van Zelm.

JUDGE OTTO A. ROSALSKY: Before I proceed to answer Brother Van Zelm, I feel that it might be appropriate to indulge in some of the reminiscences through which we passed in our early career.

Judge Grossman might be deeply interested, to-morrow morning, in discussing the subject of the Statute of Limitations.





(Laughter.) And that's no jest, either. When Brother Lipincott referred to the circumstances under which Grossman was elected as the class Valedictorian of the Law School of the University of '94, with the result that he was the last class Valedictorian who was elected since that time—let me briefly relate to you the circumstances. (Laughter.) As you all know, I have always been a very active Republican, and when I met Grossman I discovered the true reason why the old Eighth District, year after year, elected Democrats to office. (Laughter.) He looked over the class list and discovered that we were behind four votes and he said, "Otto, how can we get four votes?" (Laughter.) I says, "Moe, I don't know how to buy votes. The political party with which you are affiliated (laughter) seems to have a monopoly on that fertile field." (Laughter.) So we looked over the list and discovered that some of the boys had matriculated, but had failed to pay their tuition fees. (Laughter.) Moe had them give notes, which we slipped to Brother Tompkins; the members were fully matriculated; they voted and Moe was elected. (Laughter.) Now, you know, Moe delivered a great valedictorian address on that occasion. It was written by Jacob Guedalia and myself. (Laughter.) And after that address was written we went to Carnegie Hall to see whether Moe's voice would reach the uppermost gallery. I got up in the gallery. Guedalia acted as the prompter, and we finally discovered that Moe was capable of memorizing what we had written. (Laughter.) Well, now, it seems to me that the distinguished Professors who are here this evening have certainly mustered courage to attend the reunion of the class of '94. In those days they taught us what they thought was the law. But when we got at the Bar we soon discovered that the things that they had taught us were, in fact, *not* the law. (Laughter.) Professor Jessup, as I recall, used to teach us the Surrogates' law.

Interruption: Torts.

JUDGE ROSALSKY: Oh, I see, I am wrong.

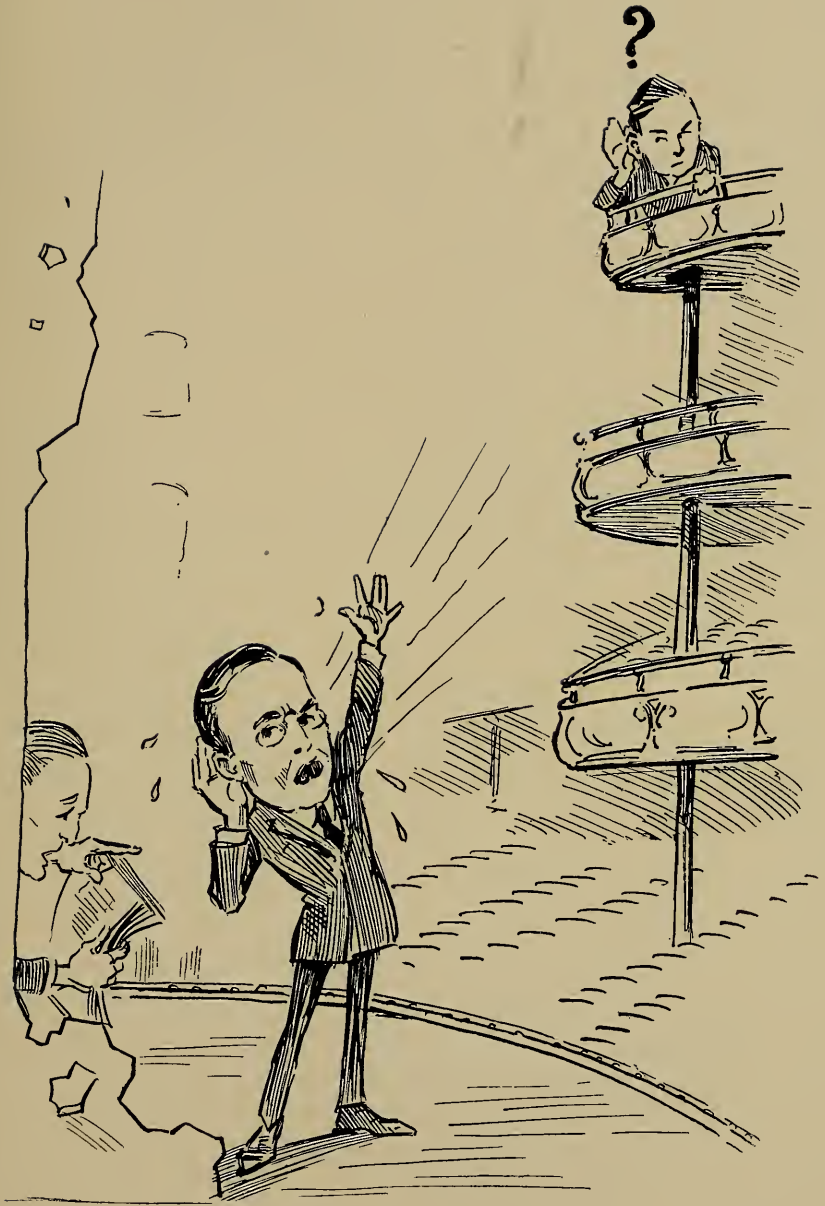
A VOICE: The same thing. (Laughter.)

JUDGE ROSALSKY: That is why he has so distinguished himself as a writer on the law of Surrogates' Practice. (Laughter.) I recall having a case against Professor Jessup shortly after

my admission to the bar. It was in a proceeding to issue an execution against the decedent's estate. The Professor brought the proceedings, as I recall, in the City Court, and I appeared there with "Jessup on Surrogates' Practice" and moved for a dismissal upon the ground that the proceeding should first have been instituted in the Surrogates' Court, and that motion was granted by Surrogate Thomas.

Now, to Professor Russell I am greatly indebted for one thing. He taught me the definition of a fact. I was questioned once by DeLancey Nicoll and as a result I was appointed as one of the counsel to assist Judge Sutherland, of Rochester. In the course of my testimony I had stated that a certain occurrence was a fact—and DeLancey Nicoll, in a flash, said to me, "What is a fact?" Well, I defined a fact according to the definition given by Russell and the result was that I was appointed assistant to Judge Sutherland. Then we occasionally crossed swords with our friend Professor Bostwick. And I must pay this compliment to Judge MacLean, that all the Criminal Law that Quigley knows, and Grossman and George Davison, who was Assistant District Attorney, and our friend who is in Staten Island, and myself, we learned at his feet, and we are doubly grateful to him for the knowledge which he has imparted to us. Now it was Meighan who once classified lawyers—I think he did so at the Morello dinner—as follows: Said he, "There are three classes of lawyers: the law professor, the man who teaches law; the law writer, the man who writes law; and the advocate, the one who tries cases. The most equipped of all must be the advocate. The fellow that cannot try a case, teaches law; the fellow who can neither try a case nor teach law, writes the law." (Laughter.)

Now, Judge Van Zelm, I have no recollection of the circumstances referred to by you, but it seems to me that you have paid, not the individual who acted on that occasion, but justice itself, the compliment that it was not even tilted when a brother student of the University appeared before me. But I agree with Brother Whitman, the District Attorney at the time, that I have signally failed in the performance of my duty. What I should have done was to commit the counsel instead of forfeiting the bail bond. (Laughter.)



There are three kinds of lawyers
—Rosalsky

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—Boyd's City Dispatch



MR. VAN ZELM: I was very glad when I got out of New York City and when I heard the conductor say, "New Rochelle next," I was very glad indeed that I was there and not in jail, because I think Whitman was District Attorney and he dug this old indictment up.

JUDGE ROSALSKY: Now, I had a very interesting experience with Brother Leslie when he first practised law. He came to me and said that he would like the opportunity to defend a man charged with murder. I gave him the opportunity. His client looked at him, went back to the Tombs and committed suicide. (Laughter.)

Our distinguished host appears before me very frequently, and one day he placed me in a very embarrassing position. Moe appeared for a young woman charged with crime and he thought the shortest way to freedom was to have her plead guilty, which she did. In questioning her, I asked her the usual questions. I said, "Madam, haven't I seen you before," thinking, possibly, that she was an old offender, and Grossman replied, "Yes, your Honor." The next question, I thought, would elicit an innocuous answer, and here is what took place. I said, "Where," and Grossman stammered out, "That would be tellings, your Honor; that would be tellings, your Honor." (Laughter.)

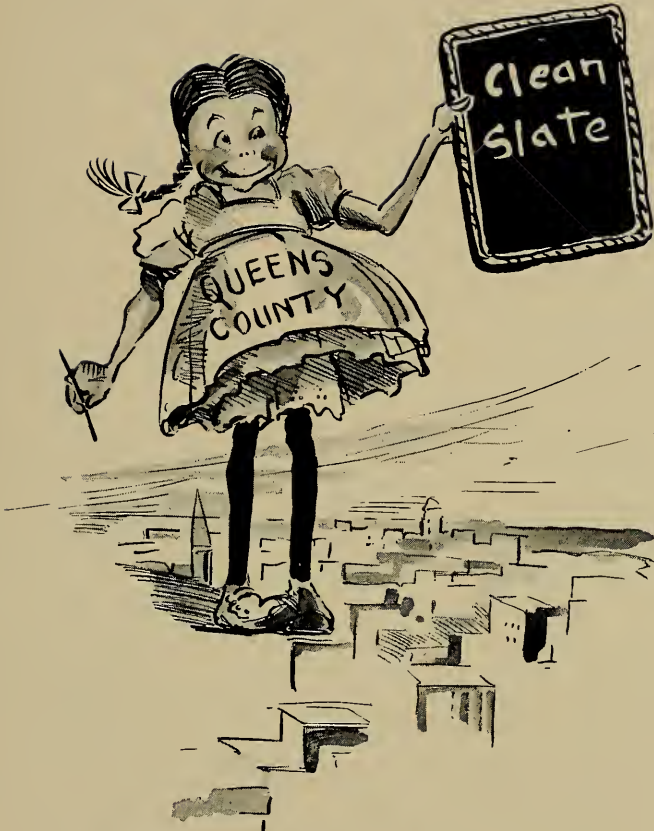
It has been my great pleasure and privilege to have Professor Bostwick and Professor Tompkins appear before me, but I prefer not to say too much of the Professors of the law. (Laughter.) I don't want to interrupt the orderly proceedings. Were I to lay bare some of the acts of these Professors of the law in the trial of criminal cases— (Laughter.)

Shortly after my admission to the bar it was my good fortune to have been appointed a Deputy Assistant District Attorney, and in the course of my investigation of a very important criminal case, Grossman appeared for the defendant. I went into the case with great care, only to discover that the County of New York had no jurisdiction to prosecute the defendant, and I notified Judge Olcott, who was my superior, to communicate with District Attorney Youngs, of Queens County, which he did. It was then that Brother Davison was also a prosecutor

in Queens County and he came over to New York County and said, "For God's sake, keep that murder case here; we never had one in Queens County before." I agreed to go over to Queens County to assist in the prosecution of that case, and showed Davison 180 affidavits. He said, "How can one marshal all that and intelligently present it to the Court and jury?" I said, "That's very easy, if Queens County agrees to compensate me for my services." And, Moe, I will retain you to collect the fees. (Laughter.) Grout's brother was Comptroller at the time and he refused to honor the bill, on the ground that New York County was then merged into the Greater City of New York, and so I was never paid. And I held this out on Davison. I gave him the affidavits, but the brief of facts I had prepared in book form and kept for myself. In the meantime a very important prosecution had taken place against the American Tobacco Company. I was in the case. George held onto the affidavits, but I kept my book, a brief of the facts, and tried that case.

Well, our relations have been very pleasant. I fully appreciate that economy of time is very important and I have spoken a little too long. I desire to make just one or two observations.

It is a real pleasure to be with you to-night. The University class of '94 has indeed cause to be proud. Whether you take that class collectively or individually, you will find men among them who possess the qualities which are essential for a lawyer in order to succeed in life. They are men known for their probity and purity of motive and high purpose, and among our class we have several men who have risen in life and who have achieved fame and distinction. When we turn to Governor Whitman (applause), who, in our class, has achieved the greatest fame and distinction of any of its members, we feel that in his membership the class of '94 will be always remembered. He has served this State with honor and distinction as a Governor, as a Judge of the Court of General Sessions, as a City Magistrate and as District Attorney, and to each of the offices which he occupied he brought great learning and capacity for real constructive work.



— as far as murder cases go.



Grossman started out as a boy from the East Side. He demonstrated that he has ability and capacity and has taken advantage of the innumerable opportunities which this country affords to every youth who cannot boast of an ancestry excepting that he comes from a stock which uphold those ideals for which we all strive in this country.

But his rise in life has been due to his own effort. He had nobody to go to or to point his way and his success at the Bar is well known. He is noted for being a brilliant lawyer, a student of the law, one who is capable of presenting the interests of his client in a way to merit the confidence and the esteem of the bench and bar.

Grossman, if he had followed his own ideals—you see, I have always been his political mentor—possibly would have remained an Assistant District Attorney or a Deputy Assistant District Attorney. You know he has great ability and understands the arts of politics. He came to me one day and said, “There is an opportunity for you to become the managing clerk of House, Grossman & Vorhaus. You have me appointed a Deputy Assistant District Attorney by John R. Fellows.” I said, “Why, he is a Republican.” He said, “You are vice-president of the County Committee and you can have Judge Murray” (who was then Chairman of the County Committee) “approve of my recommendation and Fellows will appoint me.” We got the recommendation from Judge Murray and Moe was appointed but I advised him not to take it. It reminds me of the story of a Jewish sexton who could neither read nor write and therefore lost his position. He applied for another position and was asked whether he could read or write. He answered that he could not and his application was therefore rejected. Finally he succeeded in life. One day he went to the bank to discount a note and was asked by the bank president to sign the note. He said, “I can’t write.” The bank president looked at him in amazement. “How is it,” he said, “you made such a wonderful success; you are a man in business and command so many hundreds of thousands of dollars? You mingle with business men who are the leaders in the City. How is it?” And the man answered, “I will tell you. If I had learned how to read or write I would have been a sexton in the synagogue.” (Laughter.)

So with Moe. If he had gone as Deputy Assistant District Attorney he would probably have remained there. Of course, Moe was honored as a City Magistrate. I have had occasion to pass upon his records and I dealt with them with charity and mercy. (Laughter.)

Gentlemen, I again desire to express to you my thanks and appreciation for being invited to come here, and I assure you that I would not have missed this evening no matter how other important engagements may have demanded my time. I trust that we will have occasions similar to this, where we can meet again, so as to become more intimately acquainted. Twenty-five years have been a very long span. Some of us have been unable to identify our photographs. I think that the spirit which moved us to meet to-night ought to be developed along lines where we shall meet more frequently, and until then I hope and pray that each and every one of you will enjoy prosperity, longevity and happiness. (Applause.)

THE TOASTMASTER: If I had known that stories would be told so leading in character, I think I might have been tempted to ask a professional story-teller to relate them, and not Rosalsky.

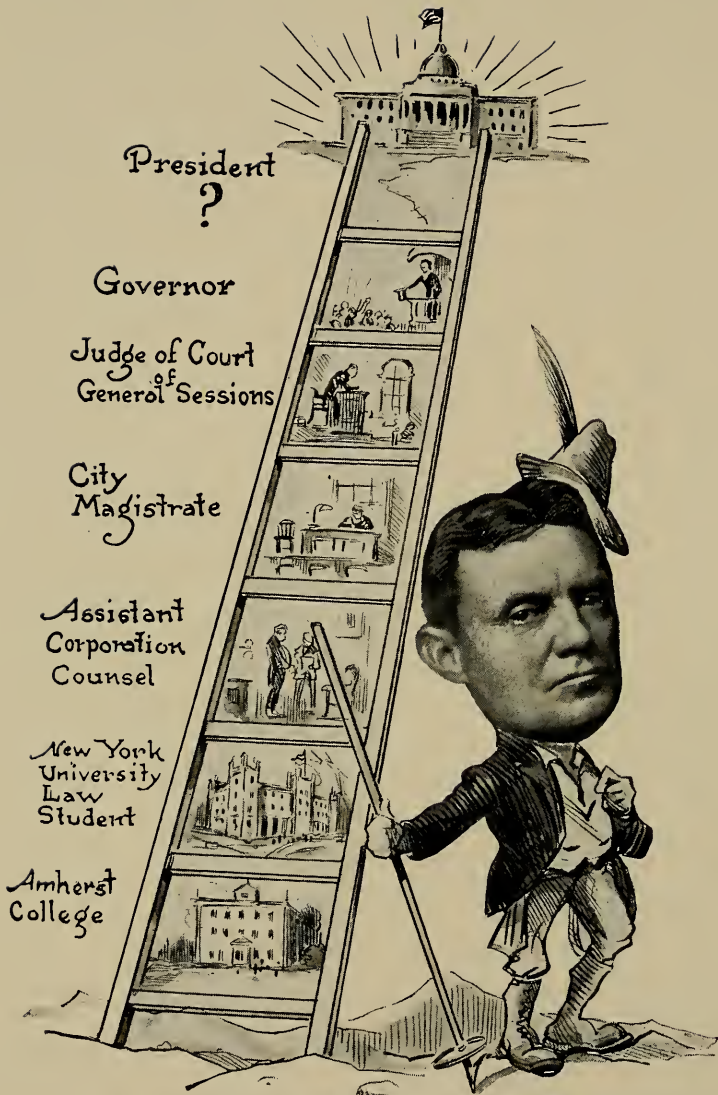
We are very fortunate in this respect, that those who are our guests this evening cannot be shocked by any revelation we can make, and with such charming appreciation at the end of each speech, softening the blows that are given during it, we all may feel a certain amount of complacency that as yet we have not been truly discovered.

We have Mr. Willis, a story-teller of the modern Arabian Nights style, and if he will be so kind I would like to have him favor us.

MR. WILLIS: This is the first time I ever got in front of so many Judges at one time. (Laughter.)

Mr. Willis then proceeded with a number of unusually original and witty anecdotes.





President
?

Governor

Judge of Court
General Sessions

City
Magistrate

Assistant
Corporation
Counsel

New York
University
Law
Student

Amherst
College

Some Climber!

THE TOASTMASTER: I am sorry to see that even in this class, capital is so timid. We have lost Brother Davison. I had hoped that with the appreciation given him in Queens County that we might hear from him. He was next in succession.

Rarely does a class have combined in one man such positions as have been held by Charles Whitman. He has occupied all, except making the law, and we would like very much to hear from him.

EX-GOVERNOR WHITMAN: I was somewhat interested in the suggestion ascribed to Brother Meighan that there are three kinds of lawyers. I want to add the suggestion that there may be four: Those who can appeal to the courts and juries, the greatest of all the lawyers, and those who cannot (using his definition—I am not altogether sure that it is altogether right, but it is pretty good authority)—those who cannot do that and who teach the law, and those who are not able to teach the law who write the law.

And there is a fourth class. If you cannot be the advocate, and if you cannot teach the law, and if you cannot write the law—you may, possibly, be Governor of the State. (Laughter.) I cannot tell you how interested I am, as I know you all have been, each individually here to-night, in looking into the faces of the men whom we knew so well twenty-five years and more ago, many of whom we have seen from time to time and whose careers with great interest we have watched. And realizing, as I do, and as I know you do, if you stop to think of it for the moment, that the Class of '94—and I think it was true at that time, I do not know whether it is true now or not—that most of the men in the Law School at the University of New York—that almost all of them in our class were financially poor men.

I believe that probably at that time there was not a law school of our size, or anything like it, of its age or of its standing, or anything like its age or standing, where its students were to such a very large degree poor men. Financially poor, of course, I mean, because they were not poor men, as the work

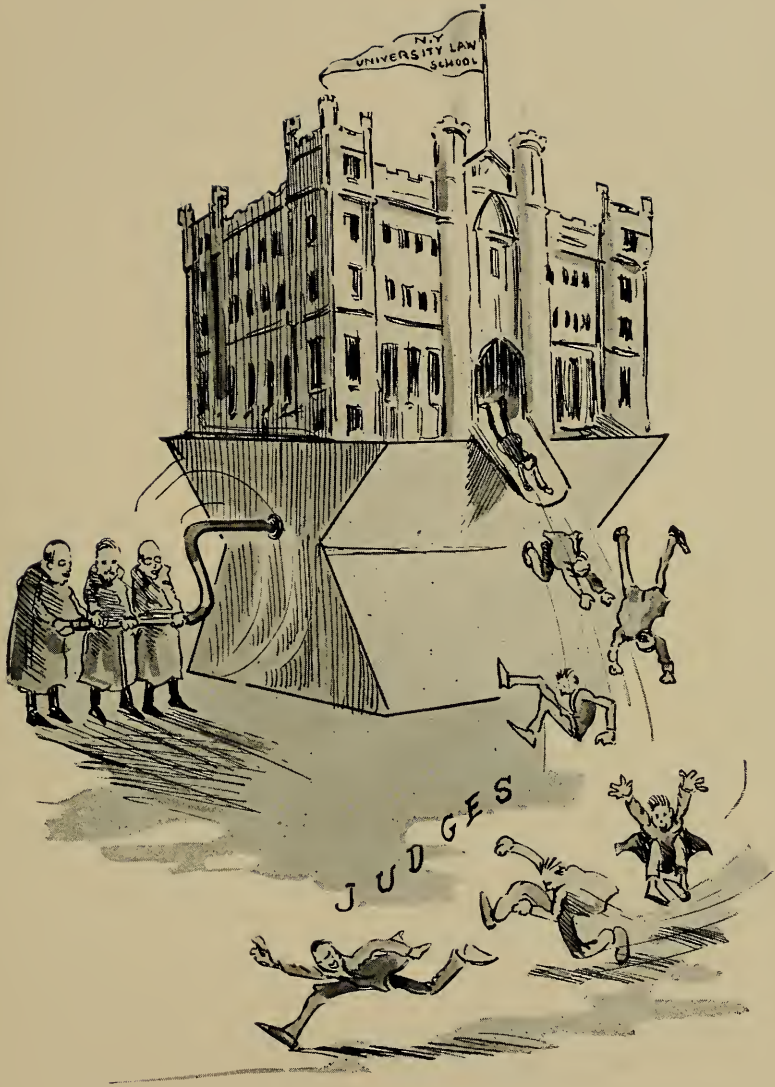
which they have performed and the careers which they have carved out for themselves since have shown.

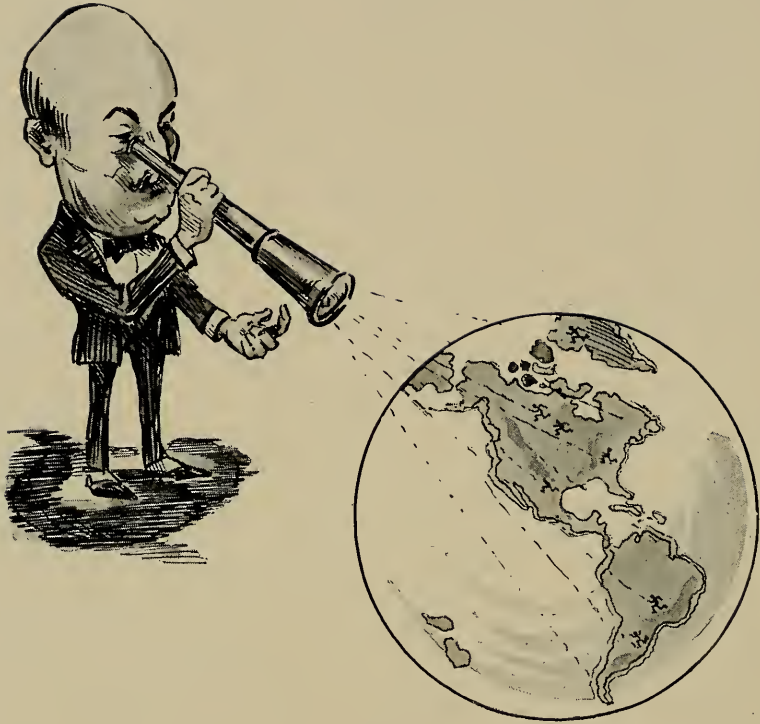
I think most of our class, possibly with the exception of three or four, and I am not so sure that even with that exception, were self-supporting when we were in the University. Many came to the University Law School notwithstanding its reputation and its record and the character of the men who were teaching; many of them, most of us, came to the University Law School because the hours were such that we could make our daily bread, that we could support ourselves and could at the same time, owing to the lateness of the hours of the day when the lectures were given, secure the education in the law which was requisite to admission to the bar at that time.

And in the light of that fact—and I am not speaking personally, because really when we call the roster of this class of '94 we like to think that our own class is a little better than any other in the world—all down through the years the classes that have come from the University Law School, the members have distinguished themselves in the city. I do not mean owing to the chance or the fortuitous concomitants of circumstances, but as you look over the members of this class and that of the class that preceded and the class that immediately followed, because we knew most of the men in those three classes, their work has been good in this city; their service to the public has been good; their service to their clients has been good, and the bar of New York and the bench of New York, and, I believe, the public life of New York, has been better by the kind of men, by the men who were taught by these professors and others whom we remember with affection and regard and love during those years.

I have been told—I have not examined the records—that more of the judges on the bench in these two departments have come from the University Law School than from all the other law schools in this country put together. (Applause.)

Now, gentlemen, that is a very remarkable record. It would be a wonderful record for any school. And I believe that one reason for it has been the reason that I suggested at the start, that the personnel of the student body has been almost entirely





composed of men who had their own way to make, who knew the value of education, or else they would not have made the sacrifices necessary during the '90's and the years that followed.

I have, in so far as I have been able—like all of the men here my life has been pretty well engrossed with professional and official work—followed the Law School and its work. Good as it was in our day, strong as the men in our day (notwithstanding that one of the men said to me to-night, “That is the man that taught you law,” and the gentleman said, “That isn't possible”)—notwithstanding the work that was done then, I believe that the University Law School to-day is an infinitely better school than it was then. I believe that it is turning out to-day stronger and better trained lawyers than it did then. I believe, however, that the democracy of good-fellowship, the absolute level upon which we met in those days, has been maintained, and I believe that it is due very largely to them that our Law School has turned out and is turning out the kind of men that are rendering the service to this community and are going to render it during the years to come.

I want to express to our friend Judge Grossman—it is pretty hard to express it—to him who is affectionately known to all of us as Moe Grossman—my own appreciation and my own gratitude for the big thing he has done in getting the boys together, in bringing this class, after twenty-five years, together in such large numbers, for the very enjoyable, and, I believe, to us all, very advantageous occasion, this dinner; and I want to say, because I know something of the work that he has done, that we are all of us indebted, not only to Moe—for great as has been his gift and the kindness which has been his—to our Toastmaster, who has been working in season and out of season to find and round up the boys as no other man has been able to, all about the men, in whom we are all so interested and in whose concerns we are all profoundly and affectionately concerned. I want to express my appreciation for the kindness which I myself feel and have felt all down through the years to members of this class—to Judge Rosalsky, who used to help us out on indictments that were a little bit shaky, and I wonder what would have happened, as I heard the story from my good friend in Westchester, if that ringer had been convicted. I think

it is quite possible that, notwithstanding his modesty, before that case came to trial that he did consult Moe Grossman. And these other men—Alfred Ommen, whose work on the Magistrate's bench was of such high order. Of course, Moe Grossman's career on the bench was somewhat short; I have a little sympathy for men that have not altogether been able to continue in the position to which they have been elevated. But I feel I am sure that Moe's services to the University and this class, and the Magistrate's Bench, and, sad as I am to acknowledge it, Moe's service to the political organization of which he is a member, is going to be soon recognized, as every member of this class hopes it will be recognized, and it won't be long before the "Judge" Grossman will again be true in fact as well as in history. (Applause.)

THE TOASTMASTER: It began to be a habit of those who had been together after class in the Law School days of placing such odd bits of food as were not used in Theodore Hill's pocket.

It was not oversight, it is not forgetfulness, but it was greatly to show our utter disregard of order and precedence that we have waited to hear from the man who was our President at the time. Brother Hudson was our Class President and at that time he held the floor as well as the rostrum and was his own judge of the order of business. Consequently, it has been a very pleasant revenge to wait until this time to call upon Brother Hudson. I may say, in passing, that at great inconvenience he has come from the four corners of Missouri, Nebraska, Kansas and some other State to be here with us to-night, and although from Missouri we are going to reverse the tables and make him "show" us.

OTHNIEL BRUNER HUDSON: Toastmaster and Gentlemen of the Class of '94—I was not expecting to make a speech to-night. I came here with the idea that I was "to be shown" and that you gentlemen would show me. It gives me great pleasure to meet





you again. You will realize my appreciation in being present on this occasion when I tell you that I came over 1500 miles to attend this banquet (applause), to shake hands with you whom I will still call boys and Judge Grossman (I am authorized from headquarters to call him "Moe").

When I received the invitation saying that Moe Grossman was giving this banquet, I said, "Whatever the sacrifice, whatever the expense, I will be present." And I am here to-night.

When I came to New York in 1892 I came from the country. I had grown up in a little town in Missouri. On coming to New York I received a very cordial welcome, friendly greeting and kind treatment at the hands of the young men of New York, which I have always greatly appreciated and cherished up to the present time.

You gentlemen, especially of New York, surrounded by all that exalts and embellishes civilized life, have advantages that I did not have. My parents were Western pioneers—I grew up in what you gentlemen would understand to be "The Wild West," where, as some man has said, "The rank thistle nodded in the wind and the wild fox dug his hole unscared"; I grew up where the council fires glared on the wise and daring and where the Indian hunter loved and wooed his dusky maiden. I came to New York inexperienced, wild and woolly. The boys of the class of '94 treated me with great consideration and kindness, for which I have always been grateful. I have always felt particularly thankful to many members of that class, Moses H. Grossman not the least among them. Dr. Andrews and the Chairman of the meeting to-night were always kind to me, as were many other members of the class, and I remember them all with great kindness. Moses H. Grossman always gave me a warm "hand shake" and when I felt lonesome and often discouraged I always received encouragement from him. When it came to electing a Valedictorian, I said, first, last and all the time, "I will vote for Moses H. Grossman," and I did. I said, "Moses H. Grossman is not only industrious, is not only a hard student, he is above the ordinary man, and belongs to the class of men we know as geniuses." I have always had a warm feeling in my heart for Moses H. Grossman.

I want to say that I am not forgetting the delightful wit of Professor Russell. In my practice of the law in the West for the past twenty-five years I have many times taken occasion to quote from the charming wit of that gentlemen in the trial of my cases. I remember him with great kindness.

Probably it is not immodest to state to you, gentlemen, that I cannot speak as the former speakers have spoken, who tonight gave their personal experiences that have taken place with each other, since our graduation, because I have been separated from you; the radius has been very great between us. I am what is known as a country lawyer. I live in the northwestern corner of Missouri and am practising law in Iowa, Nebraska, Kansas and Missouri. I live near where those four States corner. It is a very fertile country, the inhabitants generally are farmers and people living in small towns. Practising in the four States makes very hard digging many times, to keep up with the laws and often I get "run in" by a lawyer that is too shrewd for me, because I am not always acquainted with the particular practice.

It has been my fortune to be a trial lawyer, having devoted myself entirely to trials; I have had reasonable success and results have been fairly good.

I want to express my thanks and appreciation in being able to be present and to address you gentlemen on this occasion. I am glad to see and meet you and to shake your hands once more. I regret that I am not able to say more of the individual membership of the class since we graduated, as you know I have been separated far from you.

You gave me very great distinction and conferred upon me great honor in electing me President of the class, a distinction that has always been remembered with gratitude. I did the very best that I could for you under the circumstances and I want to thank you for another opportunity of addressing you this evening, although I am entirely unprepared.

It occurs to me that it is not a very good policy for a man from the country to undertake to address a delegation or association of New York judges when laboring under the embarrassment and unpreparedness with which I am suffering to-night.





I was not expecting to be called upon to address you and, in closing my remarks, I want to again thank you. (Applause.)

THE TOASTMASTER: It would be a very gratifying thing and a very pleasant occasion if we could have Judge MacLean to express just a few words. We are very fortunate indeed to have him with us to-night and I have included him in the roster of those present as if he were an alumnus of this class. He did go out of the Law School when we did and the Law School went with him and with us. Judge MacLean, may I ask you to say a few words?

JUDGE MACLEAN: The late Mr. Lester, friend of our grammar school days, had gifts. They were verbosity and garrulity and love of praise. He had to keep from praising himself by telling what swell acquaintances he had in the Homeric times. What a gratifying thing it would have been to have had an introduction like this!

The class of '94, of which I am proud to say I was a member by aggregation, has achieved quite a position in this big town which we call home. The exercises at its graduation by the President, which were contributed to by the President and by the Valedictorian, our hospitable host, were very much the same, so far as I recall, as the exercises that graced the departure of other classes, in the advice given them, because men still young, like Professor Russell and Professor Jessup, Tompkins and myself, because I was characterized as "Professor," was all didactic. There was the injunction of Bacon, that every man was in duty bound to contribute to his profession his own helpfulness and to be an ornament.

The Historian and others who entertained us so much to-night have recounted various aspects of the practicality of that advice. It seems to me, sitting here, listening to what has been said, recalling the achievements of one after another, that this aggregation of clever, studious, ambitious, useful people should

be continued in some way, in some sort of sodality, that we contribute to the usefulness and uplift of the community wherein we dwell. Whether it is homely to say it, we are reconstructing, reconstituting many things. Whether it is commonplace to add, we are facing somewhat of a new era, and it would seem as if the members of this distinguished class might resolve themselves into a sodality, with perhaps our friend from Missouri (and I remember well when I was a little missionary in Missouri, having a great deal to do with a Mr. Hudson from Jackson), and our friend, the Valedictorian of those days, as the officers, and we might take up this sodality, might take up the reform, although reform for forty-five years has been a hectic phase, but we might take up the betterment of this community and its elevation by disabusing the public of many of the conceits and prejudices which are entertained among us. We are doing so much by the setting down of kings and the putting up of new persons that we might well show to our people at home that there is more liberty in some of the countries abroad than we have; that before the war there was more liberty, more personal liberty, in certain respects, on the Continent than we have known; that the rude remedy of arrest to which we resort so freely was not practised in the way in which we practise it, even in Russia; that persons in Germany had a degree of personal liberty which we, even our friend Judge Rosalsky who has gone on the Bench where he presides, would be surprised at the practice in this country; that a person who is convicted, instead of immediately on the pronouncement of the verdict, having a handcuff slipped upon his wrists and being taken away, has, in Germany, several days in which to arrange his affairs and effects, before he is committed to prison; that persons have a great liberty of public statement without adverting so much to Dame Grundy.

If these things are so, and I am quite sure that persons who look it up will find they are so—why should we not have something of that personal liberty which is so well known on the Continent and which we do not have?

It seems to me that while our statutes and traditions provide that a person who is arrested is entitled to a prompt trial, it seems to me that we should introduce here something of the French procedure and of the German procedure, that a Magis-



HEARING





trate sit long hours, that a case where a person is arrested be heard promptly, that if a man is discharged there be no record of his trial, no record of his arrest. (Applause.)

In this town of ours it would seem that a large percentage of the arrests are unwarranted; about 40 per cent. of the persons brought before the Magistrates are discharged without any trial. It would seem that that hearing and discharge should be had immediately upon arrest. To that end we should have, in my opinion we should have the courts and the station houses in the same building, or in contiguity, so that a person should be heard in turn or discharged at once. We should have nothing of this taking of persons through the streets, persons who are arrested in the afternoon, confined until the next morning and then taken before a magistrate through a crowd of gaping youngsters and women and men—which is a very humiliating and disgraceful thing.

The members of this class of '94, set at liberty to earn their own living, set at liberty to represent the public, who have had so much experience in public life and private association, if they gathered together in this country, where organization, either political, social or for demagogic purposes, has so much influence, might accomplish something which would add even to their reputation and renown.

To our hospitable host, whom I have known so many years, whom I have seen so often in private life and in the forum where I have been a bystander, or by-sitter, it gives me sincere gratification to pay my respectful and admiring tribute of regard. It was certainly a felicitous thing, a felicitous inspiration, that prompted you to call us together and give us the gratification and the satisfaction of this informal gathering, and, sir, we wish you well. (Loud applause.)

THE TOASTMASTER: Fellow Classmates—May I express your appreciation, enjoyment and gratification that Judge MacLean has so excellently favored us in his remarks, and let us adopt one suggestion of his at once and accept his nominations for

officers, and all those in favor of O. B. Hudson for President and Moses Grossman as Valedictorian say "Aye."

(Unanimously elected accordingly.)

Judge, the movement is started, and those gentlemen are hereby declared elected without any dissenting voice.

Professor Russell—it seems he is not quite finished with the notes he has been making, so if Mr. Armstrong will make a few of his, Professor Russell will be ready as soon as he is finished.

(Then followed songs by Mr. HARRY ARMSTRONG.)

PROFESSOR RUSSELL: I cannot tell you how rich in memory I feel, and you can understand, having heard so much about the class of '94, when I tell you that I know thirty-eight such classes. Not all of them have won such distinction as you have. You have here among your membership one man who has been Judge of the Supreme Court. I think I had the honor of introducing him to the lady he married. A man whom I never forget because my wife never lets me forget. The fellow I am looking at—four years governor of this State. I am glad he never forgets—and I got on the payroll for a great many years.

It is the professor of law who is the rich man in these days—rich in the affection he has himself and the affection he feels others have for him. These are the days when the pedagogue is coming into his own. He is not only coming, he has arrived. It is from the pedagogue that we get our fourteen points. (Laughter.)

We have him at Washington—or, at least, he is coming to Washington. And among those are men who, like Tompkins, Bostwick, Norton, Lippincott, Jessup and innumerable others, have done each his turn. If I had my life to live over again, I think I would rather live in the age in which I live, and in the city in which I live, and doing the work which has been appointed me to do the last thirty-eight years in the Law School of the University.





George Bernard Shaw says, I think, that he who can does and he who cannot teaches. I heard this expression a little different way when I was down in Old Point Comfort over two years ago with Andrew Carnegie and a few friends of mine from the Millionaires' Club. I met down there a fellow, and he says, "Russell, I'm in a hole." That's not his exact language, but that was his drift. I said, "What's the matter with you?" He says, "This nigger, Booker T. Washington, is here and I don't know how to address him, because I can't call him 'Booker,' because he isn't a slave, don't you know. And I can't call him Mr. Washington, for that would recognize him as a gentleman and my social equal. But I want to make him feel good and at the same time remind him of his position; so I made up my mind to call him Professor." (Laughter.)

Now I am rather proud of being Professor. It is historic that Cleveland lectured on the Constitution at Princeton University—or what was left of the Constitution after his Attorney-General got through with it. And it is historic that old man Benjamin Harrison lectured on the Constitution. He wanted his daughter to graduate and he got 50,000 girls and a lot of money and he went out for all there was in it—love and money. I read those lectures myself in the *Ladies' Home Journal*. (Laughter.) I used to read his articles, and my wife did, and I used to read what Ruth Ashton said about "Seven Ways to Eat a Sandwich and How to Behave in Good Society," and whether it was right for a man to stroll through the woods and for the lady to take his arm, and Ruth Ashton said it was all right so long as they kept on walking.

I bought them all in single book form, a dollar and a quarter, and refer to it now and then, and when Moe Grossman, a great champion of personal liberty, raises any constitutional question before me or some other court— (Laughter.)

Then there is the big question we have of what we are going to do with our ex-Presidents. Now, it is a very important question and I think it is well settled that the best thing to do with them is to make them professors of law. If Taft had gone into the patent medicine business we would all have felt sick, but he went back to a great university. We all felt he added lustre to ancestral fame. His father was a graduate at

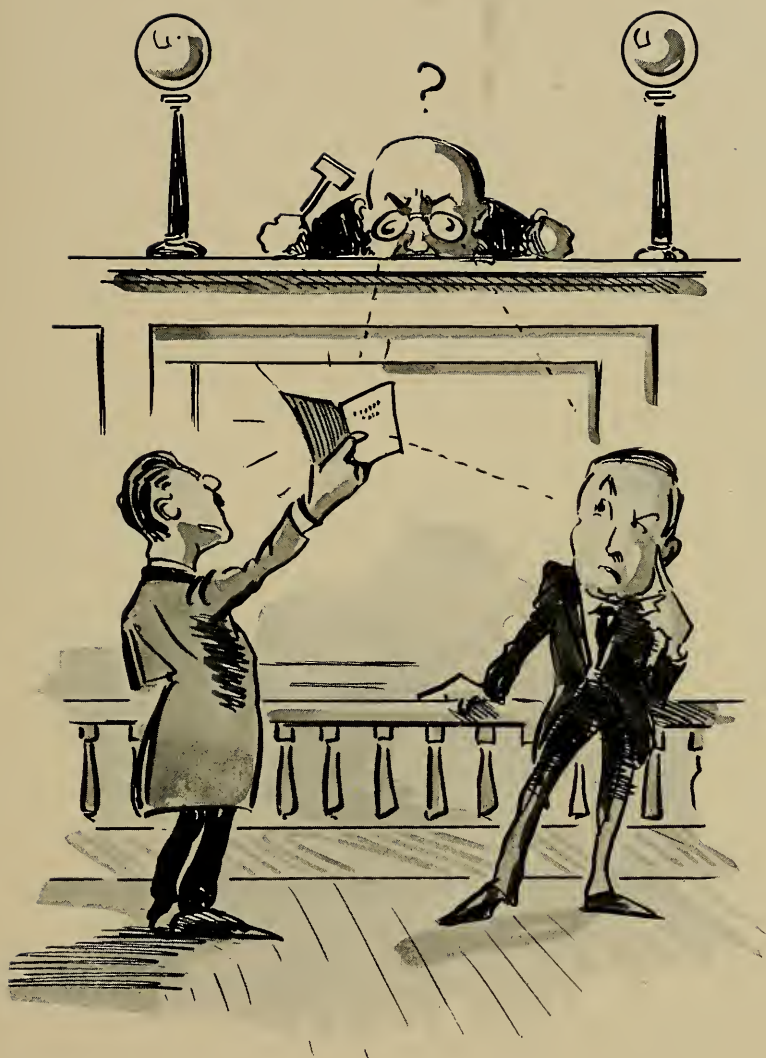
Yale and Attorney-General in the cabinet of Grant. I feel myself that I am adding two cubits to my stature when I am able to associate with him. I was up there last year. I took a ride in a trolley with him, and an Italian girl came in with a cloak on her head, and I got up gallantly and, reproducing Sir Walter Raleigh's elegant manner, I said, "Madam, allow me," and gave her my seat. And he, not to be outdone by any man in the city and county of New York, stood up and gave his seat to three girls.

I cannot indulge in reminiscences because I know every one here. I have run the gamut of this distinction that comes to men who live in libraries, alcoves and in the shadows of halls of learning, and I had the fate which comes to most men who write books. I remember, in the Appellate Term over in Brooklyn, I was crossing swords with one of my students on a question of damages, and he cited two cases, and the Presiding Judge said, "Counsel, what book is this you are quoting from?"—a little red book worth about fifty cents. And he said, "This book is written by the Chief Judge of the Court of Special Sessions and quotes a contrary doctrine to that which he is supporting in this appeal." (Laughter.)

When any one of my students now puts in a notice of appearance against me, I generally pay the costs and discontinue. (Laughter.)

Now, Whitman, I am very proud to remember him. My wife will never let me forget him, because he came over and spoke to our Sunday school people in Brooklyn. I feel as if I am entitled to a large debt of gratitude. For while he passed with, I think, 95 per cent., he was set down as flunking, because he was almost uniformly late at the University. It was referred to me as authority and as the secretary of the faculty, and I found he was teaching a large number of girls over there in Adelphi Academy Latin, and he came in at ten minutes past four, whereas the monitor appeared at five minutes past, and I thus reported to the faculty and we enrolled him, to my great satisfaction, among those to whom we have given our highest honor.

I want to tell you that it is a great pleasure to me to be here. I want to tell you what I am sure you feel, that the





greatest and only reward of a professor is that which goes to those who study under us. I cannot help but feel almost every day as the years accumulate that it is the graduates of every university that make the reputation of that university. One man served for many years as justice of the Supreme Court and served a full term as United States senator and passed the next best bar examination to Elihu Root. The State of New York had two representatives in the United States Senate, both graduates of this law school. And I think that for a great many years, without a break, classes which graduate from this University turned out some very great judges. One class has turned out at least two judges of the Supreme Court of this state.

I thank you for the opportunity of looking into your faces. I never would be able to take my seat if I indulged in personal reminiscences, because, as I said, I am personally and intimately well acquainted with every individual that is here present. I am delighted to think that Brother Grossman is receiving such just eulogy for what he has done. It occurs to me also to say one other thing, Brother Whitman, and that is this, that we have reached the times when a large number of men are declining judicial honors, and I am about ready to wonder whether Judge Rosalsky really furnishes the proper opportunity for brains and talent of the very highest order. (Laughter.)

We have Alton B. Parker and Moses H. Grossman resigning the great post of judge for the higher and freer opportunity which the bar affords, and in this I take some measure of satisfaction.

I am glad to know that you have organized on a personal basis. I sincerely hope that you will continue this gracious and delightful and charming hospitality and the precedent that has been established here will prevail for a great many years and that all of you will live to gather here from year to year for, perhaps, the 50th anniversary, a large and noble remnant of the Class of '94, ready to think pleasantly and happily and lovingly and profoundly of those to whom you were indebted for your first introduction into the mysteries of the law. I thank you. (Applause.)

THE TOASTMASTER: It is not intended to discriminate or to preach. We waited twenty-five years to hear the sound of the voice of each one of us, and if anyone is moved to speak he need but raise his hand, and I will ask Mr. Armstrong meanwhile to give us a little song of cheer to sort of stimulate the hearts and spirits again.

MR. ARMSTRONG then played and led in the singing of old-time songs.

THE TOASTMASTER: Mr. Warren Leslie would like to propose to us something which would be an appropriate recollection on this occasion. We have not with us those who formerly composed our class, but only a good majority, and it is to those who composed the minority that we wish to rise and appreciate the remarks that Warren Leslie will make. (All arose.)

MR. LESLIE: Fellow-classmates, it struck me that we could not suffer this occasion to pass without having our memories go back in love and veneration for that grand old patriarch, Austin Abbott, and that wonderful gentlemen, Professor Tiedemann, and for the boys of our class who have passed to the land beyond the tomb. I ask you to drink a silent toast to the memory of those great men and those good comrades, and may the blessing of God, the Father, rest upon their shoulders.

Now, as a fitting climax, as an attestation for the love and affection of the surviving professors of the school, I drink, and ask you to join me, in their long life and success, in three cheers, for Jessup, Russell, Bostwick and Tompkins.

(Three rousing cheers were then given for Professors Jessup, Russell, Bostwick and Tompkins.)

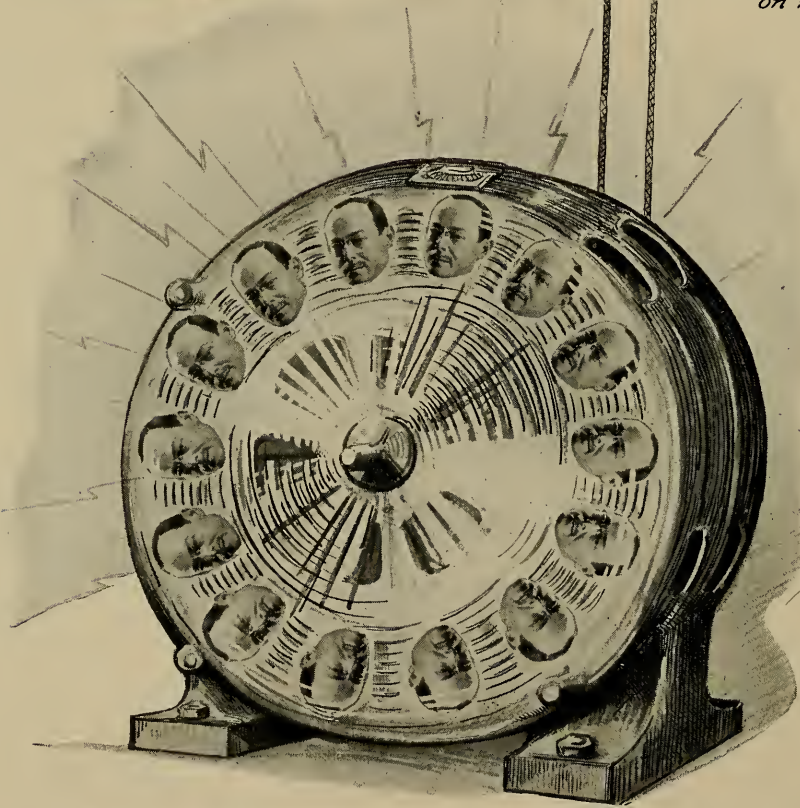




*A friend
in
distress?*



*The current
of a "great
heart" interest
is
turned
on!*



*The artist's way of saying'-
'He's a most dynamic little fellow!'*

THE TOASTMASTER: It is pleasant to think that we are all present in spirit or in flesh to pay tribute to this occasion and I wish to give this opportunity to our host to say what is in his heart to us all, and I will not sit down without expressing my personal gratification and delight in whatever service I have been in connection with him in getting these men here to-night, for it has been an inspiration and a great opportunity to work with a man who has been so whole-souled in such an enterprise: Moses H. Grossman.

JUDGE GROSSMAN: Boys, I want first of all to thank you for having come. Never in all my life have I felt the throbs and thrills coursing through my veins that I have felt to-night. Life is made up of throbs and thrills—nothing more. We may pursue the phantoms called glory, power, fame, wealth, social status; but they are ephemeral and transitory and fade away like morning mist before the rising sun.

But give me love, give me friendship, that kind of love and friendship that I have always gotten from you, my boyhood friends, my classmates, my college professors, and I will surrender to you all the power, all the wealth, all the position I have ever attained.

They may be taken from me, or I may voluntarily yield them, but no one can deprive me of that love, affection, respect and esteem which is mine and which I hope you will give me to my dying day.

The witching hour of midnight is at hand. I have so much to say to you that a great deal of it must be passed by for the nonce.

I enjoyed particularly professor and ex-Judge MacLean's observations on personal liberty. And right here I want to say that I never enjoyed so much the trials in which it was my privilege to participate, as when he was judge of the Supreme Court. I remember very well having been retained to defend a man who was the editor of a Greek newspaper. He had published a libel on a professor in the Alma Mater of Governor Whitman. It was a very serious question whether a jury would not give a substantial verdict in favor of the professor. In order to prepare for the trial, I made a study of modern Greek in order properly to equip myself, and what was my amazement, when entering

upon the trial, to find that the judge,—my dear old Professor, Judge MacLean,—was thoroughly conversant in modern Greek. We, of course, had all of the dictionaries and lexicons; we had Mr. Sprague, the president of the Union Dime Savings Bank, who understood modern Greek. We had offered them \$5,000 to settle before the trial started, but we succeeded in getting a verdict for the defendant.

And right here I want to pay my tribute of regard and esteem not merely to Judge MacLean, but to Judge Rosalsky, to Judge Whitman, to District Attorney Bostwick, to District Attorney Tompkins, to Chief Justice Russell, to those of our former college professors and classmates who have held judicial office. Never in all my experience have I upon a single occasion found any cause for criticism either in their attitude towards me or in their attitude towards any member of the bar with whom I am acquainted, but these judges always gave impartial, careful, painstaking consideration to every case and to every question of law presented.

There was a case came up at the court of Special Sessions when Chief Judge Russell sat, in which I raised a constitutional question with reference to a statute whose constitutionality had never been impugned or impeached. It was a serious question, I thought, and I found our astute, erudite, versatile Chief Justice poring over the cases presented by the District Attorney's brief and my own before he was persuaded to send for me and say, "Well, Judge, don't you think this is a pretty good statute?" I said, "Yes, I think it is; I think it serves a fine public purpose." "Well, your client is a first offender and enjoys a good reputation. We will suspend sentence in that case." I said, "My interest is not to destroy the efficacy of the statute but to protect the interests of my client," with the result that the constitutional question was waived and my client went scot free.

Judge MacLean hit the proper keynote when he said it is a lawyer's business to do constructive work, to do that kind of work which survives him when he is dead. Now, it is easy enough to get a verdict from a jury, but it is oftentimes unsatisfactory. I remember very early in my career when a case came into our office in which a man was charged with assault upon





a woman. He was sued for \$50,000. Evarts, Choate & Beaman and Davies, Stone & Auerbach appeared for the plaintiff, and we appeared for the defendant. I had just been graduated from law school and my partner, Judge House, was retained to defend the action. It was such an outrageous case that he offered to settle for, I think, \$7500, which Davies, Stone & Auerbach properly rejected. Then he came to me and said, "I won't try this case; I have no heart in it, Moe, and I want you to try it." I said, "Mr. House, I will try this case, if you want me to; I am a soldier in the ranks, but I feel that if you can't win the case, I certainly cannot." He said, "No one can save a verdict; hold the damages down as low as you can."

I went in and tried that case. For three days I sweated blood. The jury was aching to bring in a verdict for the full amount. An untoward circumstance on the fourth day—the fact that the plaintiff called as a witness a relative who really did not see the assault, and the fact that I was able to uncover his perjury—persuaded Judge Dugro, who presided at the trial, and the jury, to feel that perhaps the entire case was a manufactured case, and there was a verdict for the defendant.

I walked over to my office. Fred House came in and said, "What is the verdict?" "Oh," I said, "nothing." He said, "How much was it?" I said, "Nothing at all." He said, "Don't get excited about it." I replied, "I told you it was nothing." He said, "You don't mean a verdict for the defendant!" I said, "Yes." And in came the defendant and said, "I congratulate you." I said, "Don't congratulate me; this is a perversion of justice."

Well, it taught me a very great lesson. It made an indelible impression upon my mind and I determined not to prostitute my talent, my ability, whatever their limitations might be, for money. And when he asked me to bring an action upon the bond, he having been arrested at the commencement of the action, I declined to do it.

No, it is easy enough to win a verdict from a jury, if you are favored by circumstances or if you are abler than your adversary, because human law and procedure are imperfect. It is not perfect like divine law; we are striving, but can't make it perfect. But when you endeavor, as Judge MacLean would have

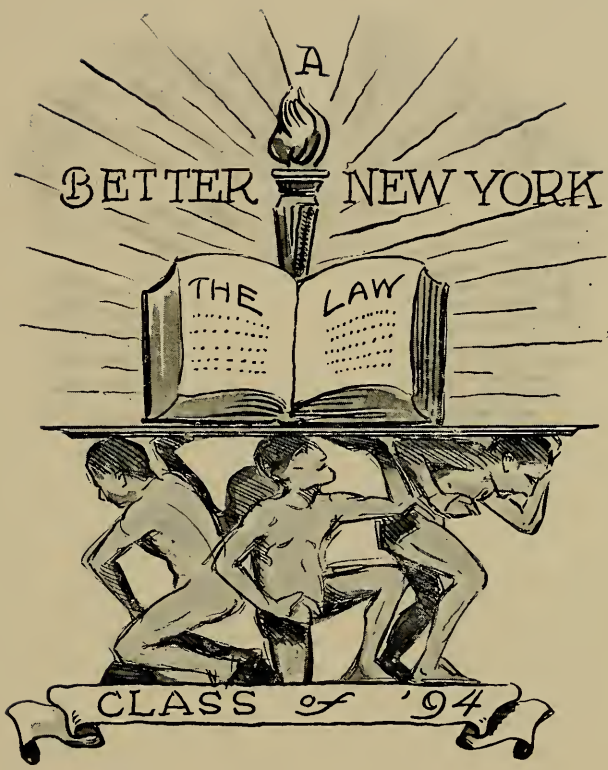
it, to serve and effectuate and protect personal liberty, you are doing something real.

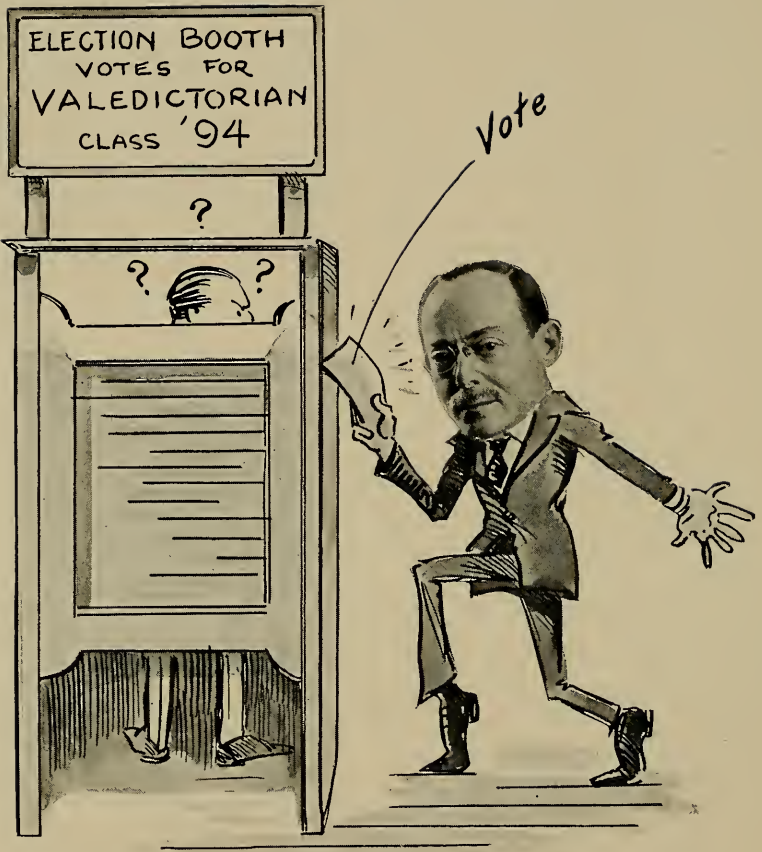
Now, I came across a case in which Dr. John H. Finley, president of the City College and ex-Commissioner of Education, was deeply interested. A City College student was indicted for murder. The judge discharged the jury after he thought they had deliberated long enough and the lawyer for the defendant felt that an injustice had been done. But the case was again set for trial and he feared to enter upon the second trial because of the danger of conviction. When he told me these facts I said to the lawyer, an ex-Judge, who was counsel for the defendant, "Don't worry about this case; your client is out." He said, "What do you mean?" I said, "The Court had no right to discharge the jury without their request." I said, "You issue a writ of *habeas corpus*." He consulted a friend of mine, a very eminent lawyer, who scoffed at the *habeas corpus*. When he told me of that, I said, "Well, you will either issue that writ or I will." He said, "What is your interest in it? I myself am only assigned to this case." I answered, "I want to establish a principle in support of personal liberty. I want to demonstrate that no judge has a right to disturb the deliberations of a jury until that jury declare themselves unable to agree, for as long as they are willing to remain in consultation it is beyond the power of any judge to disturb them."

Charlie Whitman was District Attorney. He was advised of the writ and came into court to oppose it. We battled over it. But the Court of Appeals declared that that man could not be tried again. Now, he was a poor boy. He had nothing, few friends besides Dr. Finley, who was keenly interested.

But there was a doctrine involving personal liberty which was established and which will survive me when I am dead, and no matter how honest the judges of our criminal courts have been—and they are honest, able men—I felt that there ought to be established a landmark in the jurisprudence of this commonwealth which would make the sanctity and sacredness of the jury box so great as to put it beyond the power of a judge or governor or president to interfere with it.

That, I feel, was an accomplishment. And I am prouder of that little service, which cost me time and effort and money and





energy, than I am of title, position, power or wealth, because it will redound to the advantage of my human brothers not only while I live but long after I am dead. That, I say to you boys, is the real work of a lawyer, the most unselfish, the most satisfying of all things.

And when I think of the judicial opinions of Otto Rosalsky, conceded to be the peer of any man who ever sat upon the Court of General Sessions; when I think of the constructive work of Charlie Whitman as Judge and as Governor, than whom no man who occupied that office ever strove harder to satisfy the interests of the people whom he governed, I feel proud that they were my classmates twenty-five years ago.

Boys, you did elect me class Valedictorian. There was some politics involved in our class elections. But I want to say, aside from the fact that they resulted in my attainment of the high honor which you accorded me, that they also taught Charlie Whitman and Otto Rosalsky those intricacies of true politics which ultimately resulted in placing them in the high positions which they afterwards occupied. (Laughter.) And if I had any participation in their education and instruction politically, I feel amply compensated for any effort I may have made at that time.

The highest quality of any human being, I told you, is love. And coupled with love, a necessary ingredient is loyalty, and another is gratitude, both of which qualities are akin to love. I just want you to say of me, not so much that I am a great lawyer or a good fellow or a successful man, as to say of me, "He is loyal, and he is grateful." And I want to improve this opportunity to tell you how grateful I am for your having elected me as class Valedictorian, and I hope that I discharged my functions upon that occasion, twenty-five years ago, to your entire satisfaction.

But when I think of Hudson, our class President, coming fifteen hundred miles to attend this function, when I think of Mattern and Stoddard and those other boys who have come miles and miles to be here to-night at all kinds of inconvenience, is it surprising that I should be loyal when I have these exemplars of loyalty to emulate?

Now, in that spirit of loyalty and of friendship, I never considered the Republicanism of Judge Rosalsky or Governor Whitman; I considered always my friendship for them; and no politics, nothing on the face of God's green footstool, could ever constitute an obstruction between them and me because of the love and loyalty I bore them, the same love and loyalty that I bear to each of you and will bear for you until the end of my days.

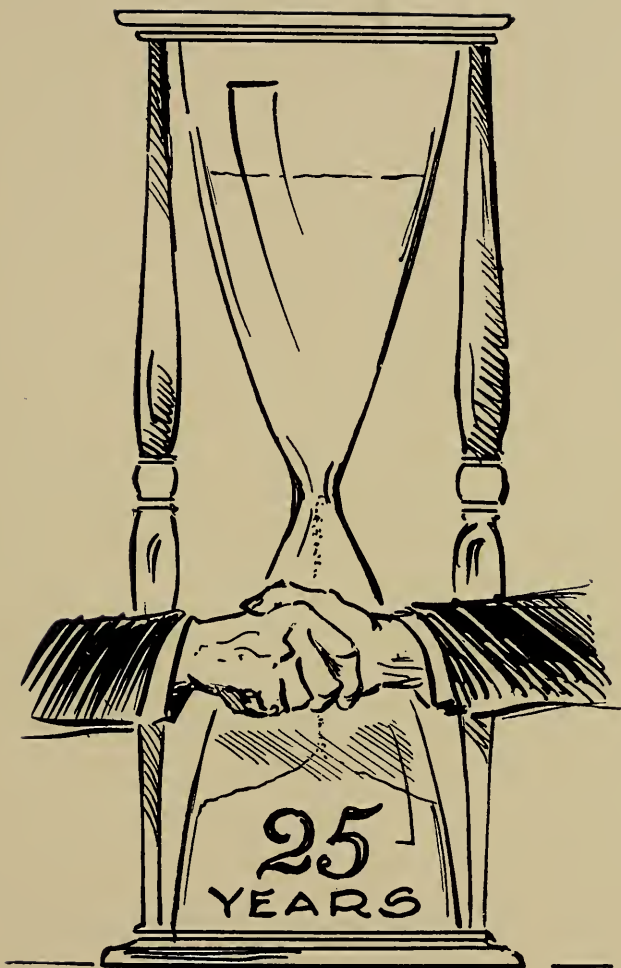
It must be a source of great pleasure to Judge MacLean, to Professor Russell, to Professor Bostwick, to Professor Jessup, to Professor Tompkins, to all of the living members of our Faculty, to look over this room and see how their boys have risen to power, to standing in the community, and how they have won the respect and esteem of their fellow-men. Because, without their aid, without their advice, in the absence of the guidance which they gave us, none of these things could ever have been achieved.

It is not the cases they taught us. It is not even the legal principles which they impressed upon our minds. It is the love of liberty, it is those eternal things to which Judge MacLean referred, that made us what we are.

What a wonderful thing it is that here to-night, after a quarter of a century has gone by, it is our privilege to be together, to bask in the sunlight of each other's smiles, to renew and revive those feelings of attachment which were ours in the old days when we did not feel the heavy weight of responsibility cast upon us by the commonwealth in the discharge of public duties and in the performance of our functions as members of the bar!

When we think of poor Brother Lester, whose wife is blind and paralyzed; when we think of Billie Barr, that fine, genial, noble character, who has gone to the other shore, of all the boys whom we esteemed and loved but who are no longer with us, how grateful we should be that this night has been given us to enjoy each other's companionship without stint or limit!

The observation was made by Governor Whitman that most of us boys who were struggling to obtain a knowledge of legal principles were poor—as he was, as Judge Rosalsky was. Yes, it is true. Very few, if any, of us were born with silver spoons





in our mouths, but early in life we had to carve out our own careers and had the responsibility of supporting others, besides ourselves, cast upon us. Now, among those boys the strongest friendships are formed.

Let me illustrate. Fred Czaki, here to my right, went out and got me my first full dress suit. I had to have one for Commencement night and he went out and got it for me. And when the night was over and we were all happy, and Frank Holahan, who has gone, congratulated me upon the result, we three boys were taken in a cab up to Fred Czaki's house. Well, it was the first glimpse I had of real splendor when I saw his home; everybody in a dress suit and a magnificent dinner served and the polished floors and music and dancing—I confess it was a revelation to me. And when, seven years later, I met the girl that I afterwards took to my bosom and made my wife, the mother of my daughter, Ethel, now sixteen years of age, and my boy, William, now eleven, Fred was my best man. He put his name to my marriage certificate. And I am proud of the friendship that was formed at the University Law School in the class of '94; proud of meeting Frederick Manning Czaki and calling him my friend.

Boys, I have so much to say to you that I think I had better close my remarks now, or I would keep you too long. I only want to say that, without intending to burden you in any way and having these meetings too frequently, may I suggest that every five years you come and be my guests at similar gatherings and that these meetings go on and on until there are just five of us left. I may precede many of you. And if I do, won't you please go right on and have these meetings every five years? And may the last five of you, following dear Warren's example, raise your glasses and think of the boys who preceded you, knowing that that love which they always bore you can never be dimmed by time and will live through all eternity. (Long and sustained applause.)

The men then sang "Auld Lang Syne" and the dinner was
at an



"Long, long be my heart with such memories fill'd!
Like the vase, in which roses have once been distilled,
You may break, you may shatter the vase if you will,
But the scent of the roses will cling round it still."

Moore.



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