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Lawyer Presents

Notre Dame Law Review Editors

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THE LAWYER PRESENTS—

We are comfortably familiar with the legal pedigree of the cases which signal the triumph of social legislation in 1937. *Due Process and Social Legislation in the Supreme Court — A Post Mortem* takes up this very matter, and re-examines the struggle, in a manner which is perhaps not quite so familiar. Mr. Robert E. Rodes, Jr., Ass't Professor of Law, Notre Dame Law School, examines the constitutional objections to social legislation, and shows that, ultimately, they can be answered only on ideological grounds. He has supported an appealing synthesis with his meticulous attention to the opinions of the Supreme Court justices in the critical period.

Some Aspects of Leasehold Financing, an article by Joseph G. Kelly, Associate Counsel, The Equitable Life Assurance Society of the United States, presents an analysis of the problems inherent in this investment device recently made available by legislation to our large life insurance companies. Written from a most practical view-

point, the article throughout suggests provisions and covenants which should be incorporated into the lease, the mortgage and the sub-lease to adequately protect the lender whose loan is secured by a leasehold mortgage. Mr. Kelly is also a member of the Committee on Real Property Law of the Association of the Bar of the City of New York.

In almost all introductory law courses students are soon informed that many of the basic principles and concepts innate in our Anglo-American legal system are inherited from the English common law. What the individual student may fail to realize is that the early colonists did not accept immediately the precepts of the common law as binding upon their judicial system. As Professor Anton-Hermann Chroust of the Notre Dame Law School indicates in *The Legal Profession in Colonial America*, our early colonists distrusted the formalism and rigidity which, at that time, were characteristic of the common law; only after the pass-

age of considerable time was this distrust obliterated. In part one of a three-part series, Professor Chroust traces the rise of the legal profession in the New England colonies. Since the colonies did not have a parallel development, special emphasis is placed upon those factors and conditions which either contributed to or hindered the emergence of a judicial system within each colony. This article continues Professor Chroust's survey of the legal profession which, when completed, will have spanned the profession from its emergence in Greece and Rome to our own day.

The *Lawyer* wishes to correct an error that occurred in the August 1957 issue. The name of Roscoe L. Barrow, Dean of the Cincinnati Law School, was misspelled as "Burrow" in the article *Criminal*

Responsibility of Epileptic Drivers. The *Lawyer* also wishes to correct an omission that occurred in the same issue when the printer neglected to include the word "Annuity" in the title, as it appears on the cover, of J. Edward Day's article *A Variable Annuity is Not a "Security."*

The *Lawyer* calls the reader's attention to the advertisement appearing in the front of this issue announcing the publication of an index to volumes 11 - 30, 1935 - 1955, of the *Lawyer*. This index is the second index digest compiled by the staff of the *Lawyer*. The first, covering volumes 1 - 10, 1925 - 1935, was published in 1936, and is found at the end of volume XI of the *Lawyer*. Information as to contents and purchasing data is listed.