

of the criminals. Therefore, legislatures should strive to eliminate the cause of crime rather than to spend all of their time framing laws to pro-

tect property by punishing men who are merely the effects of such conditions.

J. J. B.

CLASS—ICKS

A TOAST

To the University Freshmen of Notre Dame, at the Oliver Hotel, May 27, 1919. (Those Freshmen are today's Seniors).

By Francis J. Vurpillat.

Gentlemen of the Jury:—

A few days ago I was unceremoniously held up on a busy thoroughfare of the city of South Bend, by a freshman lawyer named Foley. Presumably acting for the other lawyers as well as for himself, he arrested me and ordered me to appear here on this occasion. Upon my promise to do so, he permitted me to go on my own recognizance. In fear I have come; in duress I am here, compelled to eat and, what is worse, to speak—worse for you.

To add insult to injury these fellows brought me here to the table, leaving me under the impression that this affair was to be an exclusive Freshmen Law Banquet as heretofore, so that the torture I have prepared to inflict on them must now be visited upon this great gathering of University Freshmen. The extempore effort, prepared in the dark hours of last night is nothing compared with the effort of my friend, Cooney, who must have labored day and night for weeks on his speech. Yet this thirteen inch gun must be unloaded. The only difference it will make will be in the greater casualty list. To meet this the engineers may call upon the doctors for aid, and the merhanical engineers may bury the

dead in the light of the electricians, while the journalists may write the obituaries and the epitaphs.

Now, I am prosecuting this gang of conspirators, including, of course, the arch-conspirator just named. I am also including as defendants the inferior court that assumed to act without any jurisdiction, and the officer who had apparent but not legal authority to make the arrest. This is not a criminal case as the characters of the conspirators indicate it might well be; but it is a civil action for the tort of false imprisonment of no less a personage than the "prof." himself. "Lo! the poor Indian"—the poor prof. of the Notre Dame Law School.

You will observe, Gentlemen of the Jury, that I am the plaintiff in the case and that the plaintiff is his own lawyer. I am prosecuting my own case, although I am fully cognizant of the old legal adage that "a lawyer who pleads his own case has a fool for a client." But I'll say to you, Gentlemen, that I am just foolish enough to do that very thing in this case.

I am demanding untold, illimitable damages of every kind and description known to the written and the unwritten law—damages called nominal, actual, compensatory, punitive, exemplary and vindictive; and, if my good co-prof. here, who teaches damages, has any other kind in his category, I shall be glad to include them also. Gentlemen, I am demanding the modest sum of \$1,000,000.

Why not? I have a *live* precedent to support me, in the case of Henry Ford vs. the Chicago Tribune. What manner of man is this our Caesar, this our Ford, that he may feed on a \$1,000,000, when this plaintiff may not? Therefore, in like consideration, I should have a verdict for \$1,000,000 actual, compensatory damages. However, Gentlemen, if you should find that the proven character of the plaintiff is such that he cannot be actually damaged; or, if you should be of the opinion that the Chicago Tribune has millions for' defense and tribute while these conspirator defendants have not even cents; or, in short, you should feel that plaintiff's case is only an *injuria sine damno*, then, of course, shall I have to be satisfied with the customary nominal damage of one dollar. In truth, Gentlemen, since I have given this matter of damages a second thought, I really don't care for \$1,000,000 as much as I do for vindication. So I am really willing to sacrifice myself on the altar of the court, as did the late Theodore Roosevelt in his libel case against the Mankato paper when he renounced his right to actual damages and magnanimously accepted his nominal dollar. I am consenting to have you put me in the same class with Mr. Roosevelt, of course, not as a dead one.

But perhaps you do not think I have any case at all—that I have only a *damnum absque injuria*, which, as you learned, is defined for the sake of freshmen memory as a damn bad injury without a remedy. Can it be possible that you may have relegated the poor plaintiff prof. to such a status in his all-important case? I can hardly think so. But lest I should fail to resort to every known technicality and flaw of the law in my

client's behalf, I shall now proceed to take the law into my own hands for redressing this grievous wrong, careful, however, as the law of torts demands in such case, not to commit breach of the peace.

First of all, I shall resist this illegal arrest and break this false imprisonment. I shall run to the nearest wall and turn my back to it so as to supply myself with the tangible evidence of the right to invoke the ancient law of self-defense, or, I shall stand my ground right here where I have a right to be, and being myself without fault, I shall invoke the modern law of self-defense and repel the assaults of my aggressors, force with force, to the very extent of overthrowing the entire freshmen law class. Then I shall resort to slandering the class careful, however, that no one else shall hear it, so as not to furnish the element of publication. Then I shall say all the mean things about the class and its members even to the point of provoking an assault, careful, however, not to let any one get near enough to me to furnish the element of present ability to commit the assault.

"Now then," there's Jones of Illinois and Jones of New York. I don't know of anything commoner than "The Two Joneses," unless perhaps, it might be the "Gold dust Twins." Yes, there is some thing as common as Jones, and that's Smith of Minnesota. Blacksmith, Locksmith, or John Smith, famed for having kidnapped Pocahontas.

There is the Ohio delegation beginning with Delmar Edmondson. He has copped everything in the other colleges of the University and has come to put one over on the Law School; and, concededly, he can do it if he stays. He is suspected of hav-

ing eleven talents, he always plays right, is a playwright—in fact he is a veritable George Ade of the University. And there is the other end of the Ohio delegation, the Weisend, and between these ends of the Ohio minstrels are Flick-er Buckley and Nyan to them are Moran Prokop, whatever that is, and there's the fellow we call Pater, but who, according to the correct pronunciation of the Justinian Roman Code, should be called Pater—*pater familis*, father of the Ohio family.

There's Schwertley of Iowa, who never acts inertly in class. And there's Langston, presumably a prohibition outlaw of Bryan's state. There's Sanford, who, except for the sand in the fore part of his name might be the celebrated Ford of Michigan. There's the circus man from the show-me state of Mo.

There is a Miner from Pennsylvania, doomed always to be *non sui juris* because under the age of twenty-one. Yes, and there's Doran and the Craugh of the New York delegation. And there is Wilson of Tennessee who is guilty of the tort of conversion for having wrongfully appropriated the good name of the president of the United States.

There is the congenial Conway who chews the cud from Oklahoma; and Chester A. Wynn of Kansas. I knew a Chester A. Arthur, but if this man Wynn will add a "d" to his name he might become a whirlwind in the legal profession. We cannot ask the question this year, "Has anybody seen Kelly?" so we must substitute Murphy of Wisconsin.

There is the Illinois delegation, Culkin, Dixon, Paden, Schiavone and Jones. These fellows call to mind how a typical Dutchman tried to work a joke on his wife that had just

been perpetrated on him. A fellow said to this Dutchman: "John, did you hear that noise?" "No," said John, "vat noise?" "Illinois." "Ho! ho. I'll chust go right away and get dat on my wife," said John and to the rear of his bakery he went. "Hey, Vife, did you hear dat racket?" "What racket?" "Illinois, ha- ha—"

Ardo Reichert and Romine Peichert remind me of Romulus and Remus of Rome. I almost forgot Scott of California. Great Scott. I know he is not old enough to be the hero of the Dred Scott decision. Great Scott. Words have many synonyms but synonyms for phrases are hard to find. There is a good one for great scott, however, and that is Gee Whiz.

Now Gentlemen, pardon me, I don't like you as lightly as my pertinent remarks may import. "I Really Do Love You," is the name of a song I heard way back in the days of my youth. And if it were not for the noise I'd make, I'd sing that song to you now. (Sing, if demanded, as follows: "I really do love you, I'll take the name of Patterson and you take Bridget Donahue"). Gentlemen, I really do love you. I like you as individuals, I am proud of you as a class. You are above the average of any former class. And it need not detract from the volume of sincerity of this compliment to tell you that we say that every year at the freshmen banquet, for we always say it in the superlative degree, and you are the last class.

But speaking seriously, Freshmen Lawyers of 1919, I wish you all back for 1920. You have made an excellent start and will succeed admirably. With the splendid new law building and facilities added and the improved course that will be offered you