

College of William & Mary Law School
William & Mary Law School Scholarship Repository

Course Information

Archives and Law School History

1949

The Department of Jurisprudence (Academic Year 1948-1949)

College of William & Mary

Repository Citation

College of William & Mary, "The Department of Jurisprudence (Academic Year 1948-1949)" (1949). *Course Information*. 91.
<https://scholarship.law.wm.edu/courses/91>

Copyright c 1949 by the authors. This article is brought to you by the William & Mary Law School Scholarship Repository.
<https://scholarship.law.wm.edu/courses>

Vol. 43, No. 3

BULLETIN

April, 1949

of

THE COLLEGE OF WILLIAM AND MARY
IN VIRGINIA

CATALOGUE ISSUE

**The College of William and Mary
in Virginia**



TWO HUNDRED AND FIFTY-SIXTH YEAR

1948-1949

Announcements, Session 1949-1950

WILLIAMSBURG, VIRGINIA

1949

THE DEPARTMENT OF JURISPRUDENCE¹

Professors: DUDLEY WARNER WOODBRIDGE, *Chancellor Professor and Acting Dean of the Department*; JOSEPH MARSHALL CORMACK, ARTHUR WARREN PHELPS. Associate Professor: JOSEPH CURTIS. Assistant Professor: CHARLES HARPER ANDERSON. Lecturers: ²ERNEST WHITMORE GOODRICH, CHARLES PHINEAS SHERMAN, ²WILLIAM B. SPONG, ³DONALD RAY TAYLOR. Law Librarian: VIRGINIA BLANCHE TILL.

History

The Department of Jurisprudence, formerly called the School of Law, was established December 4, 1779, when, by resolution, the Board of Visitors created a professorship of Law and Police. Antedated only by the Vinerian professorship at Oxford, established twenty-one years earlier and held by Sir William Blackstone, the chair of law at the College of William and Mary thus became the second in the English-speaking world and the oldest in the United States.

The part played by Thomas Jefferson in placing law among the subjects taught at his *Alma Mater* is told briefly in his *Autobiography*.⁴

On the 1st of June, 1779, I was appointed [elected] Governor of the Commonwealth and retired from the legislature. Being elected also one of the Visitors of Wm. & Mary College, a self-electing body, I effected during my residence in Williamsburg that year, a change in the organization of that institution by abolishing the Grammar School, and the two professorships of Divinity & Oriental languages, and substituting a professorship of Law & Police, one of Anatomy, Medicine and Chemistry, and one of Modern Languages; and the charter confining us to six professorships, we added the law of Nature & Nations, & the Fine Arts to the Duties of the Moral professor, and Natural history to those of the professor of Mathematics and Natural philosophy.

The Board of Visitors elected as the first law professor George Wythe in whose office Jefferson had studied. A signer of the Declaration of Independence and styled by Jefferson the American Aristides, Wythe was a judge of the Virginia High Court of Chancery and one of the earliest judges to enunciate the doctrine of judicial review.

The elevation of Wythe to the sole chancellorship of Virginia, ten years after the chair of law was established, necessitated his removal to Richmond and his resignation from the faculty. He was succeeded by St. George Tucker, whose edition of Blackstone is a legal classic and one of the first law books published in America. Among the last to hold the professorship at Williamsburg prior to 1861 was Lucian Minor, a member of another Virginia family intimately associated with the law.

¹ See also Bulletin of The College of William and Mary in Virginia, Department of Jurisprudence, Announcements, 1947-1948.

² First semester only.

³ Second semester only.

⁴ Ford's edition, I, 69-70.

Soon after its foundation, and probably from the very beginning, the law school of the College of William and Mary demanded an academic baccalaureate degree as a requirement for a law degree, the College statutes compiled in 1792 providing:

For the degree of Bachelor of Law, the student must have the requisites for Bachelor of Arts; he must moreover be well acquainted with Civil History, both Ancient and Modern, and particularly with Municipal law and police.

In May 1861, with the closing of the College, because of the exigencies of war, the law school ceased to function. When the College resumed operation, financial stringency resulted in the granting of leaves of absence to some of the Faculty. Among these was the Professor of Law. This leave of absence continued indefinitely. During the precarious years in the life of the College following the Civil War, the Law School remained largely dormant. Its revival, begun in 1920, was completed with the session of 1922-23. Subsequently it was renamed the Department of Jurisprudence to indicate the additional function which it performs by supplementing the study of Economics, Business Administration, Government, History, and Sociology.

As a result of the integration and correlation of courses and the close cooperation with other departments of the College, the Department of Jurisprudence functions as a Department of the College in relation to students who are using Jurisprudence as their field of concentration for the degree of Bachelor of Arts, and in relation to students who wish to offer courses in Jurisprudence as electives toward an academic degree; in relation to students who are proceeding to the law degree, the Department of Jurisprudence functions as a professional school.

The Department of Jurisprudence is registered by the State Department of Education of the University of the State of New York, is approved by the American Bar Association, and is a member of the Association of American Law Schools.

Library

The Library of the Department of Jurisprudence, occupying the third floor of the College library, contains approximately 15,350 volumes. The Law Library is administered by a Law Librarian with student assistants and observes the same hours as the College Library.

Miscellaneous Information

Method of Instruction. While each instructor has full liberty to adopt his own method of teaching, the plan most generally used consists of the discussion of cases and legal problems. Students are encouraged from the beginning to make the fullest use of the law library.

Prizes. Dr. Charles P. Sherman, a lecturer in the department, awards an annual prize of \$50, known as the William A. Hamilton prize, to the student graduating in Jurisprudence with the best essay on a subject connected with Roman Law.

Admission Requirements

The following persons may be admitted to courses in Jurisprudence:

1. Students holding an academic baccalaureate degree from an institution of approved standing may enter the Department of Jurisprudence and take any subject approved by the Dean of the Department; provided, however, that students who expect to become candidates¹ for the degree of Bachelor of Civil Law shall follow the regular course of study.

2. Students of academic senior standing, who select Jurisprudence as a field of concentration, may apply a maximum of thirty-one semester credits in Jurisprudence (one year's work) toward the degree of Bachelor of Arts, provided the course is approved by the Dean of the Department. A student who desires to apply one year's work in Jurisprudence toward the degree of Bachelor of Arts must have a quality point average of at least one in his liberal arts work. (In regard to commencing the study of Jurisprudence during the junior year, see 3 below.)

3. Students of academic junior standing, who have completed satisfactorily at least one-half of their work toward a degree in liberal arts subjects in an institution of approved standing, and who wish to apply one year of law toward the degree of Bachelor of Arts as provided in 2 above, may take a maximum of sixteen credits in Jurisprudence during the junior year (the remainder to be taken during the senior year), provided the course is approved by the Dean of the Department.

4. Subject to the provisions stated in 2 and 3 above respectively, students of academic junior and senior standing may take, as electives, subjects in Jurisprudence approved by the Dean of the Department.

5. In exceptional cases within the discretion of the Faculty of the Department, persons who fail to meet the above requirements, may be admitted as special students² and may take subjects in Jurisprudence approved by the Dean of the Department, *but under no other circumstances may a student who has not completed satisfactorily at least one-half of his work toward an academic baccalaureate degree take any subject in Jurisprudence.*

Concentration in Jurisprudence and the Combined Six Years' Course

Jurisprudence constitutes an approved field of concentration for the degree of Bachelor of Arts. Students concentrating in Jurisprudence are required to consult with the Dean of the Department before selecting specific courses.

While no specific academic subjects, apart from the general requirements for the degree of Bachelor of Arts, are required by the Department of Jurisprudence as preparation for law, students who expect to concentrate in Jurisprudence or

¹To be admitted to candidacy for the law degree, a student must hold an academic baccalaureate degree.

²The number is limited in accordance with the recommendation of the Legal Education Section of the American Bar Association.

proceed to the law degree are urged to complete the general degree requirements before commencing their work in Jurisprudence. It is recommended that such students consult with the Dean of the Department as early in their college careers as possible regarding the scope and distribution of their academic work.

By selecting Jurisprudence as a field of concentration and applying one year's work in Jurisprudence toward the degree of Bachelor of Arts, students may secure the degree of Bachelor of Civil Law in two more years.

Tax Work for Law Students

Law students who wish to obtain the Master of Arts degree in Taxation should plan to spend at least one additional year in residence and must include the following courses or their equivalents in their programs in addition to the courses required for the Bachelor of Civil Law degree: Business 200, Business 301, 302, Economics 300, Economics 331-R, Economics 421, 422, Government 341, and all the courses in Taxation offered by the Department of Jurisprudence.

Law students who wish to specialize in tax law but who do not wish to do work in residence for an extra year may, by careful planning, include the major portion of the tax program in their regular six year combined course. All such students should seek the advice of the Dean of the Department of Jurisprudence early in their college career.

Advanced Credit

Within the discretion of the Faculty of the Department, credit may be allowed for subjects satisfactorily completed at approved law schools, not to exceed the equivalent of sixty semester hours.

Exclusion Because of Poor Scholarship

Any student who has been admitted to candidacy for the degree of Bachelor of Civil Law and who does not maintain a quality point average of at least 1.0, or who fails more than five hours in any semester will be permitted to continue his course only with the consent of the Faculty of the Department.

Degree Requirements

Students holding an academic baccalaureate degree from an institution of approved standing, who have been in residence* in the Department of Jurisprudence for three academic years (or, in case advanced credit has been allowed, have been in residence in this school at least during their third and last year), who have completed satisfactorily the prescribed course of study, or its equivalent, with a quality point average in Jurisprudence of at least 1.0, and who have demonstrated their ethical fitness, will receive the degree of Bachelor of Civil Law (B.C.L.), the historic law degree of the College of William and Mary in Virginia.

*Under the rules of the Association of American Law Schools a student is not permitted to finish his degree requirements in a period of less than 90 weeks in actual physical residence.

Course of Study for the Degree of Bachelor of Civil Law

The course of study is based on the concept of Law as a social institution in a modern world. It is divided into the following parts: I. History and Nature of Law; II. Private Law; III. Public Law; IV. Procedure; V. Legal Method; VI. Social Function and Ethics of Law.

So far as practicable, there is a consolidation, correlation, and integration of subject matter. While the field of private law receives adequate consideration, there also is a definite emphasis on public law. This is in accord with the general trend in judicial and administrative processes. In addition, the history and philosophy of the Law is treated, as well as the position of law in society.

First Year

<i>First Semester</i>	<i>Credits</i>	<i>Second Semester</i>	<i>Credits</i>
Constitutional Law I	4	Labor Law (Econ. 408)	3
Contracts	3	Contracts and Sales	3
Criminal Law and Criminology	4	Family Law	2
Legal Bibliography	1	Procedure I	3
Property I	4	Torts	4
	16		15

Second and Third Years

<i>First Semester</i>	<i>Credits</i>	<i>Second Semester</i>	<i>Credits</i>
Basic Federal Taxation	4	Administrative Law (Govt. 406)....	3
Business Associations I	3	Advanced Income Taxation	2
Conflict of Laws	3	Business Associations II	3
Equity	3	Creditors' Rights and Security.....	4
Estate and Gift Taxation	2	Evidence	3
Federal Jurisdiction & Procedure....	2	Federal Taxation (Bus. 406)	3
International Law	3	Government Reg. of Business	
Legislation	2	(Bus. 426, Econ. 426)	3
Municipal Corporations	3	Legal History, Roman and	
Negotiable Instruments	3	Comparative Law	3
Procedure II	3	Legal Philosophy	3
Seminar in Taxation	3	Property II	3
State and Local Taxation	3	Seminar in Taxation	3
Trusts and Estates	4	The Legal Profession	2
		Taxation Procedure	3

Description of Courses

I. History and Nature of Law

Legal History, Roman and Comparative Law.

Second semester; lectures three hours; three credits.

Legal Philosophy.

Second semester; lectures three hours; three credits.

II. Private Law

Part I

Contracts. Mr. Woodbridge.

First semester; lectures three hours; three credits.

Contracts and Sales. Mr. Woodbridge.

Second semester; lectures three hours; three credits.

Equity. Mr. Cormack.

First semester; lectures three hours; three credits.

Family Law. Mr. Phelps.

Second semester; lectures two hours; two credits.

Property I. Mr. Woodbridge.

First semester; lectures four hours; four credits.

Property II.

Second semester; lectures three hours; three credits.

Torts. Mr. Woodbridge.

Second semester; lectures four hours; four credits.

Part II

Business Associations I-II.

Continuous course; lectures three hours; three credits each semester.

Creditors' Rights and Security. Mr. Cormack.

Second semester; lectures four hours; four credits.

Negotiable Instruments. Mr. Woodbridge.

First semester; lectures three hours; three credits.

Trusts and Estates. Mr. Cormack.

First semester; lectures four hours; four credits.

III. Public Law

Part I

Constitutional Law.

First semester; lectures four hours; four credits.

Criminal Law and Criminology.

First semester; lectures four hours; four credits.

International Law.

First semester; lectures three hours; three credits.

Municipal Corporations. Mr. Pate (1).

First semester; lectures three hours; three credits.

Part II

Administrative Law. Mr. Pate.¹

Second semester; lectures three hours; three credits.

This is the same course as Government 406.

Advanced Income Taxation. Mr. Curtis.

Second semester; lectures four hours; four credits.

Basic Federal Taxation.² Mr. Curtis.

First semester; lectures four hours; four credits.

Estate and Gift Taxation. Mr. Curtis.

First semester; lectures two hours; two credits.

Federal Taxation.² Mr. Goodrich.

Second semester; lectures three hours; three credits.

This is the same course as Business 406.

Government Regulation of Business. Mr. Marsh.³

Second semester; lectures and conferences three hours; three credits.

This is the same course as Business 426 and Economics 426.

Labor Law. Mr. Taylor.⁴

Second semester; lectures three hours; three credits.

This is the same course as Economics 408.

Seminar in Taxation. Mr. Curtis.

Continuous course; six credits.

State and Local Taxation. Mr. Curtis.

First semester; lectures two hours; two credits.

Taxation Procedure. Mr. Curtis.

Second semester; lectures two hours; two credits.

IV. Procedure

Conflict of Laws. Mr. Cormack.

First semester; lectures three hours; three credits.

Evidence. Mr. Phelps.

Second semester; lectures three hours; three credits.

Federal Jurisdiction and Procedure. Mr. Phelps.

First semester; lectures two hours; two credits.

Procedure I. Mr. Phelps.

Second semester; lectures three hours; three credits.

Procedure II. Mr. Phelps.

First semester; lectures three hours; three credits.

¹ Professor of Political Science.

² These courses may be taken only in the alternative and credit for both will not be allowed.

³ Professor of Economics and Business Administration, Head of Department of Business Administration.

⁴ Professor of Political Economy, Head of Department of Economics.

V. Legal Method

Legal Bibliography.

First semester; lectures one hour; one credit.

Legislation. Mr. Phelps.

First semester; lectures two hours; two credits.

Legal Research. Staff.

Any semester; hours to be arranged; credits according to work done.

With the approval of the Faculty and to a limited degree, topics in legal research may be substituted for formal courses.

VI. Social Function and Ethics of Law

The Legal Profession. Mr. Phelps.

Second semester; lectures two hours; two credits.

Introduction to Law.

First semester; repeated second semester; lectures two hours; two credits each semester.

This course which is given each semester is designed for the general student and does not carry credit as concentration in Jurisprudence. It is intended primarily for second and third year students; others are admitted by special permission. The course includes a survey of the nature of law, its subject matter, methods of administration, and nomenclature.

The Degree of Master of Arts in Taxation

In order to help meet the need of trained men in the field of taxation, the Department of Jurisprudence in co-operation with the Departments of Business Administration, Economics and Government has instituted a program of studies leading to the degree of Master of Arts in Taxation. This course of study is designed for students of exceptional ability who are doing the major portion of their work in Business, Economics, or Jurisprudence, and who wish to receive this special preparation for their entry into this comparatively new sphere of opportunity and service.

To be eligible for this degree, the candidate must have completed the requirements for a baccalaureate degree and must pursue his studies satisfactorily for at least one more year. The usual rules with respect to graduate work for a Master's degree are applicable.

Program for combined Course in Business Administration and Taxation, leading to an A.B. degree in Business Administration (with satisfaction of academic requirements for admission to Certified Public Accountant examination) and Master of Arts degree in Taxation.

	1st Sem.	2nd Sem.
FIRST YEAR		
English 100	3	3
Science	5	5
Foreign Language	3	3
European History (Hist. 101, 102)	3	3
Physical Education	1	1
	15	15
SECOND YEAR		
English 200	3	3
Foreign Language	3	3
Principles of Economics (Econ. 200)	3	3
Principles of Accounting (Bus. 200)	3	3
Mathematics or Philosophy	3	3
Physical Education	1	1
	16	16
THIRD YEAR		
Intermediate Accounting (Bus. 301, 302)	3	3
Contracts and Contracts and Sales	3	3
Money and Banking (Econ. 300)	3	3
Governmental and Municipal Accounting (Bus. 405)	3	—
Intro. to Business Management (Bus. 327)	3	—
Government Regulation of Business (Bus. 426)	—	3
Elementary Statistics (Econ. 331-R)	—	3
Legal Bibliography	1	—
	16	15
FOURTH YEAR		
Advanced Accounting (Bus. 401, 402)	3	3
Property I	4	—
Federal Taxation (Bus. 406)	—	3
Cost Accounting (Bus. 403)	3	—
Auditing (Bus. 404)	—	3
Corporation Finance and Investments (Econ. 323, 324)	3	3
Negotiable Instruments	3	—
Seminar in Business Economics (Bus. 428)	—	2
Marshall-Wythe Symposium	—	1
	16	15
Bachelor of Arts Degree		

	1st Sem.	2nd Sem.
FIFTH YEAR		
Constitutional Law	4	—
Administrative Law (Govt. 406)	—	3
State and Local Taxation	2	—
Advanced Income Taxation	—	4
Taxation Procedure	—	2
Seminar in Taxation	3	3
Estate and Gift Taxation	2	—
Public Finance and National Financial Policy (Ec. 421, 422)....	3	3
Trusts and Estates	4	—
	—	—
	18	15

Master of Arts in Taxation Degree

Program for Combined Course in Economics and Taxation, leading to an A.B. degree in Economics and Master of Arts degree in Taxation.

FIRST YEAR

Same as in schedule for Business Administration and Taxation (Include Economic History of the American People—Econ. 102—if possible).

SECOND YEAR

Same as in schedule for Business Administration and Taxation.

THIRD YEAR

Money and Banking (Econ. 300)	3	3
Intermediate Accounting (Bus. 301, 302)	3	3
Contracts and Contracts and Sales	3	3
American and World Government and Politics (Govt. 201, 202)	3	3
Elementary Statistics (Econ. 331-R)	3	—
Government Regulation of Business (Econ. 426) (Bus. 426)	—	3*
Legal Bibliography	1	—
	—	—
	16	15

FOURTH YEAR

Public Finance and National Financial Policy (Ec. 421, 422)....	3	3
Corporation Finance and Investments (Econ. 423, 424)	3	3
Property I	4	—
Basic Federal Taxation	4	—
Seminar in Economics (Econ. 434)	—	2
Administration (Govt. 341)	3	—
Electives	—	6
	—	—
	17	14

Bachelor of Arts Degree

	1st Sem.	2nd Sem.
FIFTH YEAR		
Constitutional Law	4	—
Administrative Law (Govt. 406)	—	3
State and Local Taxation	2	—
Advanced Income Taxation	—	4
Taxation Procedure	—	2
Seminar in Taxation	3	3
Estate and Gift Taxation	2	—
Trusts and Estates	4	—
Approved Electives	—	3
	15	15
Master of Arts in Taxation Degree		