

1929

## The School of Jurisprudence (Academic Year 1928-1929)

College of William & Mary

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BULLETIN

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Two Hundred and Thirty-sixth Year

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*Announcements 1929-1930*

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# THE MARSHALL-WYTHE SCHOOL OF GOVERNMENT AND CITIZENSHIP

## FACULTY

- JULIAN ALVIN CARROLL CHANDLER, Ph.D., LL.D.,.....*President of the College*
- JOHN GARLAND POLLARD, LL.B., LL.D.....*Dean, the John Marshall Professor of Government and Citizenship*
- ‡WILLIAM ANGUS HAMILTON, D.C.L.....*Professor of Jurisprudence*
- \*GEORGE WASHINGTON SPICER, Ph.D.....*Professor of Political Science*
- RICHARD L. MORTON, M.A., Ph.D., Litt.D.....*Professor of History*
- JAMES E. PATE, Ph.D.....*Associate Professor of Government*
- L. VAUGHAN HOWARD, A.B., M.A.....*Associate Professor of Government*
- GEO. E. BROOKS, A.B.....*Associate Professor of Public Speaking*
- PETER PAUL PEEBLES, A.M., LL.M.....*Associate Professor of Jurisprudence*
- D. W. WOODBRIDGE, A.B., LL.B., J.D.....*Associate Professor of Jurisprudence*

## HISTORY AND ORGANIZATION

The Marshall-Wythe School of Government and Citizenship is divided for purposes of administration into the School of Government and the School of Jurisprudence.

## THE SCHOOL OF GOVERNMENT

The School of Government and Citizenship was established January 14, 1922. Its purpose is to train students for political leadership and public service by giving them an adequate course in the principles underlying successful civil government and in the history of government. The establishment of this school makes real what has long been a fervent hope of the alumni and friends of the college. Because of the great number of leaders of public thought during the formative period of the country's history who were alumni of the College of

\*On leave of absence, 1928-29.

‡Deceased.

**Gov. 404. Current Problems in Government and Citizenship.**

*Second semester; three hours; three credits.* MR. SPICER.

A survey of the more important governmental problems with which the American citizens should be familiar. Considerable attention will be given to the problem of the relation of the individual to his state and national government and the obligations devolving upon him as a member of a democratic political community. Other problems studied include those relating to governmental functions, legislative and judicial procedure, national and state administration, public finance, constitution making, political parties, public opinion, and the work of the electorate.

**JURISPRUDENCE****Jur. 206. Public International Law.**

*Second semester; two hours; two credits.* W., F., 10 to 11.

MR. PEEBLES.

This course treats of the general principles of international law, as it has been developed by positive agreement, in the form of treaties and conventions, and by common usage, as shown in legislation, in the decisions of international tribunals and of municipal courts, and in the conduct of nations.

**Jur. 212. Municipal Corporations.**

*Second semester; two hours; two credits.* T., Th., 11 to 12.

MR. PEEBLES.

Their creation and dissolution; the control of the legislature over them; their liability for torts; their power to make contracts and incur obligations; their police and governmental powers; and the remedies open to individuals against their actions.

**Jur. 301. Constitutional Law.**

*First semester; three hours; three credits.* M., W., F., 11 to 12.

A consideration of the law of the American Constitution and Federal system, with special reference to interstate commerce, the powers of Congress and governmental relations between the States and the United States. The course also includes the interpretation of the constitutional limitations for the protection of life, liberty and property, police power, taxation, eminent domain, obligations of contracts, and protection to persons accused of crime.

**Jur. 303. Civil Law Doctrines I.**

*First semester; one hour; one credit.* T., 10 to 11.

The following topics will be examined on the basis of the French, Italian, Spanish and German codes and compared with analogous common law doctrines: *bona fide* purchase; adverse possession; future interests; *mortis causa* succession and administration; infancy; parent and child; husband and wife; notarial acts.

(Civil Law Doctrines II (308) must be taken in connection with this course in order to obtain credit.)

**Jur. 305. Roman Law I.**

*First semester; three hours; three credits.* M., W., F., 12 to 1.

This course traces the historical development of the Roman Law and treats of the law of persons, of things, of obligations and succession. Lectures with assigned readings.

(Roman Law II (306) must be taken in connection with this course in order to obtain credit.)

**Jur. 306. Roman Law II.**

*Second semester; three hours; three credits.* M., W., F., 9 to 10.

(This course is a continuation of Roman Law I (305) and must be taken in connection with it in order to obtain credit.)

**Jur. 308. Civil Law Doctrines II.**

*Second semester; one hour; one credit.* T., 10 to 11.

(This course is a continuation of Civil Law Doctrines I (303), and must be taken in connection with it in order to obtain credit.)

**Jur. 309. Legal History I.**

*First semester; three hours; three credits.* M., W., F., 10 to 11.

MR. WOODBRIDGE.

Introduction to the history of law. Maine's *Ancient Law*; Holmes' *Common Law*; special topics in *Select Essays in Anglo-American Legal History*; and Holdsworth's *History of English Law*. The history of some of the more important recent changes in the law.

**Jur. 310. Legal History II.**

*Second semester; three hours; three credits.* M., W., F., 12 to 1.

MR. WOODBRIDGE.

This course treats of early German law, including a comparison of Anglo-Saxon and Continental German customs; of the develop-

ment of law in the Frankish Empire; of feudal law; of canon law; of the law merchant; of the "reception" of Roman law; and of the genesis and character of modern civil codes.

**Jur. 311. Jurisprudence I.**

*First semester; two hours; two credits.* T., Th., 9 to 10.

The theory of law and legislation, the province of the written and unwritten law and problems of law reform. (Jurisprudence II (314) must be taken in connection with this course in order to obtain credit.)

**Jur. 313. Administrative Law.**

*First semester; two hours; two credits.* W., F., 8 to 10. MR. WOODBRIDGE.

Nature of office; eligibility; appointment; nomination and election; acceptance; qualifying; officers *de facto*; validity of contracts concerning offices and officers; resignation; removal; acceptance of incompatible office; rights, duties and liabilities of officers. Mandamus; quo warranto, prohibition; certiorari; procendo; habeas corpus.

**Jur. 314. Jurisprudence II.**

*Second semester; two hours; two credits.* M., W., 10 to 11. MR. HAMILTON.

(This course is a continuation of Jurisprudence I (311), and must be taken in connection with it in order to obtain credit.)

## THE SCHOOL OF JURISPRUDENCE

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Through the efforts of Thomas Jefferson, himself an alumnus of the college, the School of Law was established in 1779 with George Wythe, a Judge of the High Court of Chancery of Virginia and a signer of the Declaration of Independence, as its first professor. This was the first chair of law to be established in America and the second in the English-speaking world, the first being the Vinerian Chair at Oxford, filled by Sir William Blackstone. The School of Law was in continuous operation from the date of its establishment until May, 1861, when the college was closed on account of the hostilities in the vicinity during the Civil War. The revival of this department has been long desired by the alumni and friends of the college.

Prior to the American Revolution the only preparation for the bar was study under some practitioner, except in the case of the few who were so fortunate as to afford a residence in England and a training in the Inns of Court.

The establishment of the law course at William and Mary is thus described by Jefferson in his Autobiography.

On the 1st of June, 1779, I was elected Governor of the Commonwealth, and retired from the Legislature. Being elected also one of the Visitors of William and 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 and the Oriental Languages, and substituting a professorship of law and police, one of Anatomy, Medicine and Chemistry, and one of Modern Languages.

The resolution of the Board of Visitors making this change was dated December 4, 1779.

On December 28, 1779, the faculty carried it into effect by a resolution which is noteworthy as the first application of the elective system. It reads:

For the encouragement of Science, Resolved, That a student on paying annually one thousand pounds of Tobacco shall be

entitled to attend any two of the following professors, viz., Law & Police, of Natural Philosophy and Mathematics, or Moral Philosophy, the Laws of Nature and Nations & of the Fine Arts, & that for fifteen Hundred pounds he shall be entitled to attend the three said professors.

The College Board of Visitors included, among others, Jefferson, Blair, Madison, Randolph, Nelson and Harrison. They elected as the first professor George Wythe, styled by Jefferson the American Aristides, and a signer of the Declaration. He was one of the Chancellors of Virginia, and was notable as one of the first if not the first American judge to pronounce a legislative act unconstitutional. This he did in *Comth. v. Caton* (4 Call 5), saying:

Nay more, if the whole legislature, an event to be deprecated, should attempt to overleap the bounds prescribed to them by the people, I, in administering the public justice of the country, will meet the united powers at my seat in this tribunal; and, pointing to the Constitution, will say to them, "here is the limit of your authority; and hither shall you go but not further."

His course was both thorough and practical. It was based upon Blackstone as a text-book, accompanied by lectures showing the difference between English and Virginia law. R. H. Lee, in a letter to his brother, Arthur, in 1780, says of Wythe that he discharges his duties as professor "with wonderful ability, both as to theory and practice."

John Brown (later one of Kentucky's first senators), then a student under Wythe, writes in 1780 describing the Moot Court and Parliament organized by the latter as part of his instruction. And Jefferson, in a letter to Ralph Izard written in 1788, gives substantially the same account of it.

Among Wythe's distinguished pupils were Thomas Jefferson, James Monroe, John Marshall, Spencer Roane, John Breckenridge and Littleton Waller Tazewell.

In 1789 Wythe was made sole chancellor, which necessitated his removal to Richmond and the resignation of his professorship. He was succeeded by St. George Tucker, whose edition of Blackstone is an American classic and was one of the first law books written and published on this continent.

In more than one respect this pioneer law school blazed a path. One of the live subjects before the profession today is the amount of preparation requisite for a law degree. Certainly as early as 1792, and probably as early as 1779, an A.B. degree was required here as a condition of a law degree. The compilation of the college statutes of 1792 provided:

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.

The Board of Visitors sincerely hopes that in the near future sufficient endowment will be available to place the School of Jurisprudence on a firm foundation. Meanwhile the college is maintaining, out of its private funds and without any expense to the State, such courses in the School of Jurisprudence as will afford students who have successfully completed all the courses in jurisprudence in the School of Economics and Business Administration and certain of the courses offered in the School of Government, a thoroughly rounded training in the fundamental principles of English and American law, thereby preparing them to pass the Virginia bar examination, or to qualify them for entrance into the public service.

## JURISPRUDENCE

### **Jur. 105. Real Property I.**

*First semester; three hours; three credits.* M., W., F., 9 to 10.

Tenure, estates, seisin, future and incorporeal interests, joint ownership, disseisin, uses and trusts; adverse possession, prescription, accretion; mode of conveyance, execution of deeds; description of property; creation of easements; estates created; covenants for title; estoppel; priority; notice and record. Real Property II (110) must be taken in connection with this course in order to obtain credit.

### **Jur. 111. Criminal Law and Procedure.**

*First semester; two hours; two credits.* T., Th., 12 to 1.  
MR. WOODBRIDGE.

The criminal act; criminal attempts; consent; criminal intent, specific and constructive; circumstances affecting intent; justification; parties in crime; agency, joint principals, accessories; jurisdiction over crimes; crimes against the person, especially murder and manslaughter; larceny and kindred offenses.

**Jur. 102. Common Law Pleading.**

*Second semester; three hours; three credits.* M., W., F., 11 to 12.

The common law forms of action, especially the causes of action which could be litigated in each form of action and the relation of the forms of action to each other; the substantial allegations required in a declaration or complaint founded on any of the usual causes of action at law; the pleas of the defendant, the defenses available under each and especially the nature and scope of the common law general issues.

**Jur. 110. Real Property II.**

*Second semester; three hours; three credits.* M., W., F., 12 to 1.

(This course is a continuation of Real Property I, and must be taken in connection with it in order to obtain credit.)

**Jur. 201. Mortgages.**

*First semester; one hour; one credit.* M., 9 to 10. MR. WOODBRIDGE.

Essential elements of legal and equitable mortgages; rights of mortgagee at law and in equity; title; possession; dower; curtesy; waste; priorities; collateral agreements; foreclosure; redemption, extension assignment and discharge of mortgages.

**Jur. 203. Evidence.**

*First semester; three hours; three credits.* M., W., F., 10 to 11.

The court and jury; presumptions and burden of proof; judicial notice; admission and exclusion of evidence. Witnesses, competency, privileges, examination. Hearsay; exceptions to hearsay rule; former testimony; dying declarations; admissions and confessions; statements against interest; regular entries; official entries and certificates; reputation; statements of relationship; spontaneous statements. Opinions and conclusions from lay and expert witnesses. Circumstantial evidence; character; conduct; miscellaneous facts; physical objects. Preferred evidence; original documents; extrinsic evidence to contradict, vary, explain, or apply written instruments.

**Jur. 207. Equity.**

*First semester; two hours; two credits.* T., Th., 10 to 11. MR. PEBBLES.

Nature of jurisdiction; relation of common law and equity; specific performance of contracts; affirmative contracts; negative contracts;

third persons; legal consequence of right of specific performance; partial performance; consideration; marketable title; specific reparation and prevention of torts; waste, trespass, nuisance; defamation; injuries to personality; plaintiffs, conduct as a defence; mistake; hardship; mutuality; statute of frauds; bills *quia timet*; reformation and rescission of contracts for mistake.

**Jur. 204. Future Interests.**

*Second semester; two hours; two credits.* T., Th., 10 to 11.  
MR. PEEBLES.

Classification of future interest; rule against perpetuities; rule in Shelly's Case; construction of limitations; conditions; restraints on alienation; powers.

**Jur. 208. Quasi Contracts.**

*Second semester; one hour; one credit.* M., 11 to 12. MR. PEEBLES.

Nature of obligation; restitution at law for benefits conferred under mistake of fact or mistake of law; benefits conferred in mis-reliance upon contract invalid, illegal, unenforceable or impossible of performance; benefits conferred through intervention in another's affairs; benefits conferred under restraint; restitution as alternative remedy for breach of contract and for tort.

**Jur. 210. Equity Pleading.**

*Second semester; two hours; two credits.* M., W., 2 to 3.  
MR. PEEBLES.

Bills in equity, including parties, general requisites, and multifariousness, disclaimer and default; demurrer; pleas, answers, replications; cross bills, and amended and supplemental bills; decrees.

**Jur. 214. Federal Procedure.**

*Second semester; two hours; two credits.* T., Th., 9 to 10.  
The source of Federal jurisdiction and the law administered by Federal courts; the district court, its criminal jurisdiction and practice; bankruptcy; particular classes of jurisdiction; jurisdiction to issue extraordinary writs; original jurisdiction over ordinary controversies; jurisdiction by removal; other courts vested with original jurisdiction; courts of law and equity; the Circuit Court of Appeals; the Supreme Court; procedure on error and appeal.

**Jur. 216. Legal Ethics.**

*Second semester; one hour; one credit.* W., 9 to 10. MR. WOODBRIDGE.

Canons of ethics adopted by the Virginia State Bar Association and the American Bar Association; Costigan's *Cases on Legal Ethics*; lectures; selected readings.

**Jur. 307. Court Practice.**

*First semester; one hour; one credit.* Th., 10 to 11. MR. WOODBRIDGE.

The various proceedings in an action from the commencement thereof, through trial and appellate courts, to final satisfaction of judgment, including the drafting of pleadings.

**Jur. 304. Conflict of Laws.**

*Second semester; two hours; two credits.* W., F., 11 to 12. MR. PEEBLES.

Jurisdiction; sources of law and comity; territorial jurisdiction; jurisdiction *in rem* and *in personam*; remedies; rights of action and procedure; creation of rights; personal rights; rights of property; inheritance; obligations *ex delicto* and *ex contractu*; recognition and enforcement of rights; personal relations; property; administration of estates; judgments; obligations.

**Jur. 312. Office Practice.**

*Second semester; one hour; one credit.* F., 3 to 4. MR. WOODBRIDGE.

Practical exercises in drafting important legal instruments, such as contracts, conveyances, mortgages, trusts, wills; preparing income tax returns; corporation practice; and abstracts of title.

**Jur. 316. Admiralty Law.**

*Second semester; one hour; one credit.* Th., 10 to 11.

An exposition of the leading principles of admiralty jurisdiction and of the maritime law of England and the United States, including the law governing maritime liens, bottomry and respondentia obligations, affreightment and charter parties, salvage and marine torts, collisions, etc.

**DEGREE**

Students who have received a Bachelor's degree in Arts or Science from this college, or from some other institution of approved standing

and have taken all the courses offered in the School of Jurisprudence, together with all the courses in Jurisprudence offered in the School of Economics and Business Administration and all the courses in Constitutional Law, Civil Law Doctrines, Legal History, Municipal Corporations, Public International Law, Roman Law, Administrative Law and Jurisprudence, offered in the School of Government, will receive the degree of Bachelor of Law (B.L.), the ancient degree of the College of William and Mary in Virginia.

### LIBRARY

The Library of the School of Jurisprudence contains a large number of English reports and a considerable number of American reports, including all those of the Supreme Court of the United States. There are also many digests and treatises. The school recently received a gift of 2,000 volumes from the law library of the late Judge Alton B. Parker, of New York. Every effort will be made to enlarge the Library until it includes all the American, English and British Colonial reports, and a complete collection of statutes.

### PRIZES

Callaghan and Company offers annually the Cyclopedic Law Dictionary to the student who attains the highest average on the first fifteen credits in the School of Jurisprudence.

The West Publishing Company offers annually the Bouvier's Law Dictionary and Concise Encyclopedia to the student who attains the highest average on the first thirty credits in the School of Jurisprudence.

The Wythe Law Club offers annually twenty dollars to the student who attains the highest average on the first forty-five credits in the School of Jurisprudence.

Dr. John Garland Pollard, Dean of the Marshall-Wythe School of Government and Citizenship, offers annually a gold seal of the College to the student who attains the highest average in the first sixty credits in the School of Jurisprudence.