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The School of Jurisprudence (Academic Year 1930-1931)

College of William & Mary

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BULLETIN

The College of William and Mary
in Virginia



Two Hundred and Thirty-Eighth Year

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Public Law

Const. Law (Jur. 110)-----	4 credits
Intern. Law (Jur. 113)-----	2 credits
Admiralty Law (Jur. 212)-----	1 credit

**THE MARSHALL-WYTHE SCHOOL OF GOVERNMENT
AND CITIZENSHIP**

Faculty

JULIAN ALVIN CARROLL CHANDLER, Ph.D., LL.D.-----	<i>President of the College</i>
*JOHN GARLAND POLLARD, LL.B., LL.D.-----	<i>Dean of the School and John Marshall Professor of Government and Citizenship</i>
THEODORE SULLIVAN COX, A.B., LL.B.-----	<i>Head of the School of Jurisprudence and Professor of Jurisprudence</i>
JAMES ERNEST PATE, M.A., Ph.D.-----	<i>Professor of Political Science</i>
PETER PAUL PEEBLES, A.M., LL.M.-----	<i>Associate Professor of Jurisprudence</i>
DUDLEY WARNER WOODBRIDGE, A.B., J.D.-----	<i>Associate Professor of Jurisprudence</i>
L. VAUGHAN HOWARD, A.B., M.A.-----	<i>Associate Professor of Government</i>
GEORGE EDWARD BROOKS, B.S., B.L.I., A.M.-----	<i>Associate Professor of Public Speaking</i>

General Statement

The Marshall-Wythe School of Government and Citizenship was established by the Board of Visitors, January 14, 1922. Rich in historical background, long famed as "a seminary of statesmen," with a living tradition of public service, the College of William and Mary, in the old colonial capital of Virginia, is a peculiarly appropriate institution for such a school. Here were trained the author of the

*On leave of absence,

given to the relation of early English institutions to those in the United States today. Not offered in 1931-32.

Gov. 403. International Relations.

First semester; three hours; three credits.

A survey course dealing with some of the more important problems of interstate relations in recent times. Special emphasis is placed upon the agencies for the conduct of international relations and for the settlement of international disputes. Recommended as preparation for International Law (Jur. 113).

Gov. 404. Current Problems in Government and Citizenship.

Prerequisite, six semester hours in government.

Second semester; three hours; three credits.

The purpose of this course is to give those students who expect to enter some technical branch of the public service or who expect to do graduate work in government, such training in the methods of political research and such acquaintance with the problems of government as will prove of value. Problems of public opinion, legislation, judicial and administrative organization are studied.

Public Law

The following courses in Jurisprudence may be elected for credit in Government, *but not more than nine hours may be counted toward a minor in Government.* (For description of courses, see "School of Jurisprudence"):

Constitutional Law (Jur. 110).....	4 credits
International Law (Jur. 113).....	2 credits
Municipal Corporations (Jur. 302).....	2 credits
Administrative Law (Jur. 309).....	2 credits
Jurisprudence (Jur. 310)	3 credits

THE SCHOOL OF JURISPRUDENCE

The School 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*:*

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.

On December 28, 1779, the faculty of the College passed the following resolution, which is noteworthy as the first application of the elective system:

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.

*Ford's edition, I, 69-70.

The Board of Visitors elected as the first law professor George Wythe. 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 jurists to enunciate the doctrine of judicial review. In 1782, in the case of *Commonwealth v. Caton* (4 Call 5), he took occasion to declare vigorously:

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."

Wythe's system of instruction was based on Blackstone's *Commentaries*, accompanied by lectures showing the differences between English and Virginia law, and supplemented by a Moot Court and Parliament. He discharged his professorial duties "with wonderful ability, both as to theory and practice."* Prior to the Revolution, prospective lawyers could gain their legal training only by reading law in the office of some practitioner, unless they were so fortunate as to be able to go to England and study in the Inns of Court; now they could learn at the feet of the great Chancellor. Among Wythe's students were Jefferson himself, John Marshall and his great rival Spencer Roane, and James Monroe.

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 Lucien Minor, a member of another Virginia family intimately associated with the law.

This pioneer law school blazed a path in more than one direction. Among the controversial questions before the bar today is the amount

*R. H. Lee to his brother Arthur, 1780.

of academic preparation to be required for a law degree. Soon after its foundation, and probably from the very beginning, the law school of the College of William and Mary demanded a baccalaureate degree as a condition for a degree in law, 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, due to the exigencies of war, the law school ceased to function. During the precarious years in the life of the institution following the Civil War this school remained dormant. Its long-desired revival was accomplished with the session of 1922-23. Shortly thereafter, with augmented faculty and increased facilities, it was renamed the School of Jurisprudence to indicate more adequately the broad field in which it serves the Commonwealth through supplementing the study of history, economics, and government, as well as affording professional training in the law.

Admission Requirements

1. Students who hold a baccalaureate degree from this college, or from some other institution of approved standing, may enter the School of Jurisprudence and take any subject approved by the Head of the School and the Dean of the College; provided, however, that students who expect to become candidates for the degree of Bachelor of Law shall pursue the courses as numbered in the catalogue.

2. Students of Senior standing may take a major in Jurisprudence (thirty semester hours) toward the degree of Bachelor of Arts, or a minor (twenty semester hours) toward the degree of Bachelor of Arts or the degree of Bachelor of Science, provided the course is approved by the Head of the School and the Dean of the College. *In no case, however, shall more than thirty semester hours in Jurisprudence be accepted toward the degree of Bachelor of Arts or the degree of Bachelor of Science.* (In regard to commencing the major or minor in Jurisprudence during the Junior year, see 3 below.)

3. Students of Junior standing, who have completed satisfactorily sixty semester hours in liberal arts subjects in this college or in another institution of approved standing, and who desire to offer a major in Jurisprudence toward the degree of Bachelor of Arts, or a minor toward the degree of Bachelor of Arts or the degree of Bachelor of Science, may take a maximum of nine hours in Jurisprudence during the Junior year (the remainder to be taken during the Senior year), provided the course is approved by the Head of the School and the Dean of the College.

4. Subject to the provisions stated in 2 and 3 above, students of Junior and Senior standing may take, as electives, subjects in Jurisprudence approved by the Head of the School and the Dean of the College.

5. In exceptional cases students* classified by the Registrar as special students, who are over twenty-two years of age, may take subjects in Jurisprudence approved by the Head of the School and the Dean of the College, *but under no other circumstances may a student who has not completed satisfactorily sixty semester hours in liberal arts subjects take any subject in Jurisprudence.*

Degree Requirements

Students who have received a baccalaureate degree from this college or from some other institution of approved standing, who have been in residence at the School of Jurisprudence for three academic years, who have completed satisfactorily all the courses offered in the School of Jurisprudence, and who have demonstrated their ethical fitness, will receive the degree of Bachelor of Law (B.L.) the ancient law degree of the College of William and Mary in Virginia.

Library

The Library of the School of Jurisprudence, occupying the third floor of the general library, contains about 6,500 volumes. In-

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

cluded among them are a large number of the English reports; the complete reports of the United States Supreme Court and of the Virginia Supreme Court of Appeals; reports of some of the states prior to the National Reporter System; the National Reporter System (complete with the exception of the New York Supplement); the leading selected and annotated reports; the principal encyclopedias the American Digest System complete, with other modern searchbooks; many treatises and textbooks; and a number of legal periodicals. A collection of about two thousand volumes from the library of the late Alton B. Parker, presented to the College following his death, bears the name of that distinguished jurist. Additions are made to the library annually.

Description of Courses

Jur. 101. Legal Bibliography.

First semester; one hour; one credit.

A course designed to familiarize the student with the repositories of the law; the means available for its discovery; the method of search; and the study, analysis, and headnoting of cases.

Jur. 102. Torts.

Second semester; four hours; four credits.

The nature of tort liability; legal causation; particular wrongs; and the measure of damages therefor.

Jur. 103. Contracts.

First semester; four hours; four credits.

A study of the general principles underlying the formation, operation, and discharge of obligations based upon agreement.

Jur. 104. Common Law Pleading.

Second semester; three hours; three credits.

A study of the development and scope of the common law actions, and of the procedural phases of common law trials from the institution of the action through satisfaction of judgment (except questions relating to evidence which are treated under that head), with special attention to recent changes resulting from the so-called "reform" movements.

Jur. 105. Criminal Law and Procedure.

First semester; three hours; three credits.

The sources of the criminal law; criminal responsibility; the characteristics of particular crimes; and criminal procedure at common law and under modern codes.

Jur. 106. Negotiable Instruments.

Second semester; two hours; two credits.

A study of the law of negotiable paper with particular attention to the Uniform Negotiable Instruments Law.

Jur. 107. Personal Property.

First semester; one hour; one credit.

An examination of the nature of personal property; the methods of its acquisition and disposition; and the rights of the owner and possessor of the various kinds of personal property.

Jur. 108. Sales.

Second semester; two hours; two credits.

Contractual principles as applied to the sales of personal property; the rules concerning the passage of title and the risk of loss; with special emphasis on the Uniform Sales Act.

Jur. 109. Agency.

First semester; two hours; two credits.

A study of the legal relationship between principal and agent and their rights and liabilities as to third persons.

Jur. 110. Constitutional Law.

Second semester; four hours; four credits.

American constitutional law, comprising a study of the general principles of constitutional law applicable to the several states, and the law of the federal system under the United States Constitution.

Jur. 111. Persons.

First semester; two hours; two credits.

A study of the legal relationship between parent and child, husband and wife, guardian and ward, and of the legal disabilities of legally incompetent persons.

Jur. 113. Public International Law.

First semester; two hours; two credits.

The law of nations, as derived from custom, common usage, and formal international agreement.

Jur. 201. Insurance.

First semester; two hours; two credits.

A study of the contract of insurance with particular attention to the provisions of the standard policies.

Jur. 202. Business Associations.

Second semester; three hours; three credits.

The general principles of the law of private corporations, partnership (with special attention to the Uniform Partnership Act), and other forms of business association.

Jur. 203. Equity Jurisprudence.

First semester; three hours; three credits.

The origin, nature, and fundamental principles of equity jurisdiction and the remedies afforded by a court of equity.

Jur. 204. Equity Pleading.

Second semester; two hours; two credits.

A study of the procedure in a court of equity and a comparison with the procedure in a court of law.

Jur. 205. Real Property I.

First semester; four hours; four credits.

A comprehensive study of the nature and historical development of rights pertaining to land, including also the law of mortgages, liens, and future interests. (To receive credit for this course it must be followed immediately by Real Property II.)

Jur. 206. Real Property II.

Second semester; four hours; four credits.

A continuation of Real Property I. See Jur. 205.

Jur. 207. Evidence.

First semester; three hours; three credits.

An examination of the legal principles relating to the burden of proof, the competency of witnesses, and the admission and exclusion of evidence.

Jur. 208. Carriers.

Second semester; two hours; two credits.

The duties of carriers as to transportation of goods and passengers; their liability for damage; tickets and bills of lading.

Jur. 209. Legal History I.

First semester; three hours; three credits.

An historical survey of the legal systems of the world, with particular attention to the development of the English Common Law. (To receive credit for this course it must be followed immediately by Legal History II.)

Jur. 210. Legal History II.

Second semester; three hours; three credits.

A continuation of Legal History I. See Jur. 209.

Jur. 212. Admiralty Law.

Second semester; one hour; one credit.

An examination of the general principles of maritime law, with special attention to that of England and the United States.

Jur. 301. Wills and Administration.

First semester; two hours; two credits.

A study of wills, intestate succession, and the administration of estates.

Jur. 302. Municipal Corporations.

Second semester; two hours; two credits.

The nature, powers, and liabilities of public corporations in their governmental and proprietary capacities.

Jur. 303. Trusts.

First semester; two hours; two credits.

An examination of the nature and requisites of a trust and the respective rights and duties of the trustee and the beneficiary.

Jur. 304. Practice at Law.

Second semester; two hours; two credits.

Practice in the preparation of the various legal papers, and in the handling of cases before, during, and after trial.

Jur. 305. Federal Procedure.

First semester; two hours; two credits.

Federal jurisdiction in the United States; Federal Courts; and the methods of procedure.

Jur. 306. Insolvency and Bankruptcy.

Second semester; two hours; two credits.

An examination of the law relating to insolvent debtors and their creditors, with particular attention to the Federal Bankruptcy Act.

Jur. 307. Taxation.

First semester; two hours; two credits.

The general legal principles of taxation, and the law of taxation, federal and state, under the American system of government.

Jur. 308. Public Utilities.

Second semester; two hours; two credits.

A study of the common law rights and duties of public service instrumentalities, and their regulation by legislative and administrative action.

Jur. 309. Administrative Law.

First semester; two hours; two credits.

A study of the exercise of administrative authority and the extent of judicial control over it, with particular attention to administrative law in the United States.

Jur. 310. Jurisprudence.

Second semester; three hours; three credits.

The theory and philosophy of law with a consideration of the problems of law reform.

Jur. 311. Roman and Civil Law I.

First semester; three hours; three credits.

A survey of the development of Roman Law and its offspring, the Civil Law, with an examination of the various doctrines evolved and comparison of them with those of the Common Law. (To receive credit for this course it must be followed immediately by Roman and Civil Law II.)

Jur. 312. Roman and Civil Law II.

Second semester; three hours; three credits.

A continuation of Roman and Civil Law I. See Jur. 311.

Jur. 313. Conflict of Laws.

First semester; two hours; two credits.

Private international law, comprising the principles by which a court in one jurisdiction will apply the law of another jurisdiction to determine the rights of litigants.

Jur. 314. Legal Ethics.

Second semester; one hour; one credit.

A consideration of the ethical standards of the legal profession, with special emphasis on the Canons of the American Bar Association.