

1934

## The School of Jurisprudence (Academic Year 1933-1934)

College of William & Mary

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# THE MARSHALL-WYTHE SCHOOL OF GOVERNMENT AND CITIZENSHIP

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## Faculty

- JULIAN ALVIN CARROLL CHANDLER, Ph.D., LL.D.-----*President of the College*
- \*JOHN GARLAND POLLARD, LL.B., LL.D.-----*Dean of the School and John Marshall Professor of Government and Citizenship*
- L. VAUGHAN HOWARD, A.M., Ph.D.-----*Professor of Government and Assistant to the President*
- JAMES ERNEST PATE, A.M., Ph.D.-----*Professor of Political Science*
- THEODORE SULLIVAN COX, A.B., LL.B.-----*Professor of Jurisprudence*
- DUDLEY WARNER WOODBRIDGE, A.B., J.D.-----*Professor of Jurisprudence*
- PETER PAUL PEEBLES, A.M., LL.M.-----*Associate Professor of Jurisprudence*
- JOHN LATANE LEWIS, A.B., LL.M.-----*Instructor in Jurisprudence*

## General Statement

Although instruction in political science had been provided for many years it was not until 1922 that a School of Government was created. In January of that year the Board of Visitors established the Marshall-Wythe School of Government and Citizenship. 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 Declaration of Independence, the great Chief Justice whose far-reaching decisions vitalized the Constitution, and the statesman who enunciated the Doctrine which forms the cornerstone of American diplomacy.

In fulfillment of its purpose to train young men and women for service to state and nation, and for that equally important though less conspicuous function—intelligent citizenship—the school provides broad and inclusive instruction in the science of politics.

## James Goold Cutler Foundation

In 1926, through the generosity of James Goold Cutler, Esq., of Rochester, New York, a fund of approximately one hundred thousand dollars was established, the income to be used as follows:

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\*On leave of absence.

# THE SCHOOL OF JURISPRUDENCE

## Faculty

- JULIAN ALVIN CARROLL CHANDLER, Ph.D., LL.D.----*President of the  
College*  
THEODORE SULLIVAN COX, A.B., LL.B.-----*Dean of the School;  
Professor of Law and Police*  
DUDLEY WARNER WOODBRIDGE, A.B., J.D.---*Professor of Jurisprudence*  
PETER PAUL PEEBLES, A.M., LL.M.-----*Associate Professor of  
Jurisprudence*  
JOHN LATANE LEWIS, A.B., LL.M.-----*Librarian; Instructor in  
Jurisprudence*  
WALTER EDWARD HOFFMAN, B.S., LL.B.---*Instructor in Jurisprudence*  
CHARLES P. SHERMAN, D.C.L., LL.D.-----*Lecturer in Jurisprudence*

## History

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.

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

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.

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 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 John Marshall and his great rival Spencer Roane, James Monroe, John Breckenridge, and Littleton Waller Tazewell.

The elevation of Wythe to the sole chancellorship of Virginia, ten years after the chair of law was established, necessitated his re-

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

moval 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.

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, 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.

The School of Jurisprudence is registered by the State Department of Education of the University of the State of New York and is approved by the American Bar Association.

### **Building**

The School of Jurisprudence occupies the second and third floors of The Brafferton, the second oldest building of the College. Erected in 1723 from the proceeds of The Brafferton, an old English manor for which it is named, it was restored in 1932 by John D. Rockefeller, Jr. Until the beginning of the Revolutionary War, The Brafferton was the home of the Indian School.

### **Library**

The Library of the School of Jurisprudence, occupying the third floor of the College library, contains over 8,000 volumes. Included among them are the English Reprint and other

English reports; the reports of the United States Supreme Court and other Federal courts; reports of the Virginia Supreme Court of Appeals; reports of a number of the State courts prior to the National Reporter System; the National Reporter System; the leading selected and annotated reports; the principal encyclopedias; the American Digest System, with other modern search-books; many treatises and textbooks; and a number of law reviews and other 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.

### **Expenses**

No separate fees are charged for the School of Jurisprudence. All students in the College are required to pay fees totaling \$87.00 per semester. Students not domiciled in Virginia are required to pay, in addition to the above fees, a tuition fee of \$75.00 per semester. All fees are payable in advance. Inquiries relative to scholarships and loan funds should be addressed to the Registrar of the College.

The College maintains dormitories for men, dormitories for women, and a Dining Hall. All students (except those who come daily from their homes) are required to room in the dormitories, or in fraternity or sorority houses, except by permission of the President. All women students (except those who come daily from their homes) are required to board in the College Dining Hall or in sorority houses. The rates per semester for room and board are as follows: for men, from \$137.25 to \$216.00; for women, from \$148.50 to \$211.50. Board alone is furnished for \$22.00 per month of four weeks.

### **Miscellaneous Information**

The discipline of the College is vested in a Disciplinary Committee representing the President and Faculty. The Statutes of the College forbid gambling, the use of intoxicating liquors, and the keeping of firearms. The keeping of automobiles is prohibited except by permission of the President for special cause. Students not domiciled in Williamsburg or vicinity, who are required by the College to withdraw, or who are dropped from the roll or suspended, shall leave Williamsburg or vicinity forthwith,

else they remain subject to the jurisdiction of the College and may be expelled.

For purposes of administration, houses rented from the College by women's fraternities are considered dormitories and all fraternity houses are subject to the same rules and regulations as those governing dormitories.

The Dean and Faculty of the school are readily accessible, either in their offices or in their homes, to all students who may desire to consult them. The Dean of Women is the educational adviser to the women students in the College, while the Social Director, a member of the Faculty of the College, supervises their social activities. The women's student government association co-operates with the Social Director.

The most important extra-curriculum activity in the School of Jurisprudence is the Wythe Law Club, to which faculty, students, and members of the local bar may be elected. Only students of superior scholarship are eligible for membership. Named for the first professor of law, George Wythe, the club conducts moot courts and offers an annual prize of twenty dollars to the most outstanding student in the School. The John Garland Pollard prize, a gold seal of the College, is offered annually by Dr. John Garland Pollard, Dean of the Marshall-Wythe School of Government and Citizenship and former Governor of Virginia, and is awarded to the student who attains the highest average for the three years' work. Other prizes offered by Callaghan and Company, West Publishing Company, and Baker-Voorhees Company are awarded annually to the student who attains the highest average for the first, second, and third years respectively.

The Honor System prevails at the College of William and Mary where it was first established.

### Admission Requirements

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

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\*To be admitted to candidacy for the law degree, a student must hold an academic baccalaureate degree or be taking the combined six year course in this college for the two degrees.

2. Students of academic 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 Dean 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 academic Junior standing, who have completed satisfactorily sixty semester hours in liberal arts subjects in an 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 ten hours 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 School and the Dean of the College.

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

5. In exceptional cases, at the discretion of the Faculty of the school, persons over twenty-three years of age, who fail to meet the above requirements may be admitted as special students\* and may take subjects in Jurisprudence approved by the Dean of the School, *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.*

Subject to the above provisions, registration is the same as for the College at large, of which the School of Jurisprudence forms an integral part. Inquiries should be addressed to the Registrar of the College or to the Dean of the School.

The School of Jurisprudence conducts no summer session.

### Advanced Credit

Within the discretion of the Faculty of the School, credit may be allowed for subjects satisfactorily completed at approved

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

law schools, not to exceed the equivalent of fifty-five semester hours.

### Delayed Registration

A fee of five dollars is charged all students who register for the first semester after Friday, September 14th, or who register for the second semester after Friday, February 1st. These fees are remitted only in case of sickness.

A fee of five dollars is charged all students who are absent from any class on the first day following registration, or on the day preceding or the day following a holiday. These fees are remitted only on excuse by the President or in case of sickness.

### Changes in Courses

No course may be changed and no subject may be dropped officially without the approval of the Dean of the School and the Dean of the College or Dean of Women. After two weeks from the end of a registration period, a fee of three dollars will be charged all students who are authorized to change a course or who drop a subject without proper authority. Students who, because of unsatisfactory work or indifferent class attendance, drop subjects without proper authority or are dropped, shall receive grades of zero in such subjects.

### Attendance

Class meetings constitute engagements between student and instructor and students absent from class are expected to confer with the instructor regarding such absence and the work missed thereby. Frequent absence shall be cause for being dropped from class and students dropped from two courses for this reason shall be required to withdraw from college. No penalty for absences is incurred, however, by students whose work is of a superior character.

### Examinations

Final written examinations covering each subject are held at the completion thereof, and intermediate examinations, tests, etc., may be given at the discretion of the several instructors. The final grade in a course is based on the final examination and class work. A numerical system of grading is employed, the passing grade being 75 per cent.

### Reports

At the end of each semester, reports, showing the student's grades for courses completed that semester, are sent to parents or guardians, while during each semester, additional reports are sent out, showing the student's present grade in his several courses.

### Dropping from the Roll

Students failing to pass at least eight hours' work during any semester, automatically become ineligible to register thereafter. Students whose work is so unsatisfactory as to make further residence in the College inadvisable, or whose influence is deemed by the administrative authorities to be detrimental to the best interests of the College, may be required to withdraw.

### Degree Requirements

Students holding an academic baccalaureate degree from an institution of approved standing, who have been in residence at the School 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, and who have demonstrated their ethical fitness, will receive the degree of Bachelor of Law (B.L.) the historic law degree of the College of William and Mary in Virginia.

### Course of Study for the Degree of Bachelor of Law

#### First Year

<i>First Semester</i>	<i>Credits</i>	<i>Second Semester</i>	<i>Credits</i>
Contracts -----	4	Torts -----	4
Criminal Law -----	2	Constitutional Law -----	4
Pleading & Practice I.---	5	Negotiable Instruments---	2
Agency -----	2	Sales -----	2
Persons -----	2	Carriers & Public Utili- ties -----	3
	—		—
	15		15

## Second Year

<i>First Semester</i>	<i>Credits</i>	<i>Second Semester</i>	<i>Credits</i>
Property I -----	5	Property II -----	5
Evidence -----	3	Business Associations --	3
Equity -----	4	Public Corporations ----	2
Legal History -----	3	Insurance -----	2
		Taxation -----	2
		*Admiralty or Air Law--	1
	—		—
	15		15

## Third Year

<i>First Semester</i>	<i>Credits</i>	<i>Second Semester</i>	<i>Credits</i>
Federal Procedure -----	2	Pleading & Practice II--	5
Roman & Civil Law I--	3	Roman & Civil Law II--	3
Administrative Law ----	2	Bankruptcy -----	3
Jurisprudence -----	3	Legal Ethics -----	1
International Law -----	3		
Conflict of Laws-----	2		
	—		—
	15		12

## Description of Courses

**Contracts.**

*First semester; four hours; four credits.*

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

**Torts.**

*Second semester; four hours; four credits.*

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

**Criminal Law.**

*First semester; two hours; two credits.*

The sources of the criminal law; criminal responsibility; and the characteristics of particular crimes.

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\*Offered in alternate years.

**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.

**Pleading and Practice I.**

*First semester; five hours; five credits.*

The analysis and headnoting of cases; the use of law books; the growth and scope of the common law actions; criminal procedure; common law pleading; procedural changes under statutes and codes.

**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.

**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.

**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.

**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.

**Carriers and Public Utilities.**

*Second semester; three hours; three credits.*

The public utility concept and its incidents; the extraordinary liabilities of common carriers of goods and passengers.

**Property I-II.**

*Both semesters; five hours; ten credits.*

A comprehensive study of the several kinds of property, the estates and interests therein, and the modes of acquiring title thereto.

**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.

**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.

**Equity.**

*First semester; four hours; four credits.*

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

**Public Corporations.**

*Second semester; two hours; two credits.*

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

**Legal History.**

*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.

**Insurance.**

*Second semester; two hours; two credits.*

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

**Taxation.**

*Second 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.

**Admiralty.**

*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. (Not offered in 1934-35.)

**Air Law.**

*Second semester; one hour; one credit.*

A consideration of aviation law with particular emphasis on Federal regulation.

**Federal Procedure.**

*First semester; two hours; two credits.*

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

**Pleading and Practice II.**

*Second semester; five hours; five credits.*

A course designed to bridge the gap between study for and practice at the bar, by familiarizing the student with the preparation of business and legal documents, the examination of titles, pleading in equity, administration of estates, and the conduct of cases before trial and appellate courts.

**Roman and Civil Law I-II.**

*Both semesters; three hours; six 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.

**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.

**Bankruptcy.**

*Second semester; three hours; three credits.*

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

**Jurisprudence.**

*First semester; three hours; three credits.*

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

**International Law.**

*First semester; three hours; three credits.*

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

**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.

**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.