

1936

The School of Jurisprudence (Academic Year 1935-1936)

College of William & Mary

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CATALOGUE
OF
The College of William and Mary
in Virginia



Two Hundred and Forty-Third Year

1935-36

Announcements, Session 1936-37

WILLIAMSBURG, VIRGINIA
1936

THE SCHOOL OF JURISPRUDENCE

(In co-operation with the Marshall-Wythe School of Government and
Citizenship)

Faculty

JOHN STEWART BRYAN, B.A., M.A., LL.B., Litt.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 LATANÉ LEWIS, A.B., LL.M. *Instructor in Jurisprudence; Law Librarian*
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.

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 fees

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

to be paid at that period of the year when the Courses of Lectures commence.

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 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.

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

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

which it serves the Commonwealth through supplementing the study of economics, government, history, and sociology, as well as affording a thorough study of the fundamental principles of English and American 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.

Library

The Library of the School of Jurisprudence, occupying the third floor of the College library, contains approximately 10,000 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.

Miscellaneous Information

No fees other than the regular College fees are charged for courses in Jurisprudence. (See pp. 52-56 inclusive.)

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.

Class instruction is based on the case-discussion-problem method. In addition, students are expected to make use of the materials in the library.

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, former Governor of Virginia and a member of the Board of Visitors, 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.

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 School of Jurisprudence and take any subject approved by the Dean of the School; provided, however, that stu-

dents who expect to become candidates* for the degree of Bachelor of 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-two semester hours in Jurisprudence (one year's work) toward the degree of Bachelor of Arts, provided the course is approved by the Dean of the School. (Approved related fields are: Economics, English, Government, History, and Sociology. Accountancy is an approved related subject. 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 sixty semester hours in liberal arts subjects in an institution of approved standing, and who select Jurisprudence as a field of concentration, as provided in 2 above, may take a maximum of sixteen 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.

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 School.

5. In exceptional cases within 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 law schools, not to exceed the equivalent of fifty-five semester hours.

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 Civil Law (B.C.L.), the historic law degree of the College of William and Mary in Virginia.

*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.

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

Course of Study for the Degree of Bachelor of Civil Law

First Year

<i>First Semester</i>	<i>Credits</i>	<i>Second Semester</i>	<i>Credits</i>
Contracts I	3	Contracts II	3
Criminal Law	3	Negotiable Instruments	3
Constitutional Law I.....	5	Constitutional Law II.....	5
Legal History	3	Torts	5
Legal Bibliography	2		
	—		—
	16		16

Second Year

<i>First Semester</i>	<i>Credits</i>	<i>Second Semester</i>	<i>Credits</i>
Business Associations I.....	3	Business Associations II.....	3
Equity I	3	Equity II	3
Pleading and Practice I.....	5	Pleading and Practice II.....	5
Property I	5	Property II	5
	—		—
	16		16

Third Year

<i>First Semester</i>	<i>Credits</i>	<i>Second Semester</i>	<i>Credits</i>
Roman and Civil Law I.....	3	Roman and Civil Law II.....	3
Conflict of Laws.....	3	Jurisprudence	3
Insurance	2	Bankruptcy	2
Evidence	3	Administrative Law	3
International Law	5	Public Utilities	3
		Legal Ethics	2
	—		—
	16		16

Description of Courses

Administrative Law. Mr. Cox.

Second semester; lectures three hours; three 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. Mr. Peebles.

Second semester; lectures two hours; two credits.

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

Business Associations I-II. Mr. Peebles.

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

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

Conflict of Laws. Mr. Peebles.*First semester; lectures three hours; three 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.

Constitutional Law I-II. Mr. Cox.*Continuous course; lectures five hours; five credits each semester.*

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, including the principles of taxation, municipal corporations and the jurisdiction of the Federal courts.

Contracts I-II. Mr. Woodbridge.*Continuous course; lectures three hours; three credits each semester.*

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

Criminal Law. Mr. Peebles.*First semester; lectures three hours; three credits.*

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

Equity. Mr. Lewis.

Year course; lectures three hours; six credits. Credit determined on an examination given at the end of the year on work of the entire course.

The origin, nature and fundamental principles of equity jurisprudence (including trusts) and the remedies afforded by a court of equity.

Evidence. Mr. Woodbridge.*First semester; lectures 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.

Insurance. Mr. Peebles.*First semester; lectures two hours; two credits.*

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

International Law. Mr. Cox.*First semester; lectures five hours; five credits.*

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

Jurisprudence. Mr. Lewis.*Second semester; lectures three hours; three credits.*

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

Legal Bibliography. Mr. Peebles.*First semester; lectures two hours; two credits.*

Designed to familiarize the student with legal terms and nomenclature, the use of law books and the analysis and headnoting of cases.

Legal Ethics. Mr. Cox.

Second semester; lectures two hours; two credits.

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

Legal History. Mr. Lewis.

First semester; lectures 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.

Negotiable Instruments. Mr. Peebles.

Second semester; lectures three hours; three credits.

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

Pleading and Practice I-II. Mr. Hoffman.

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

A study of the growth and scope of the common law actions; criminal procedure; common law pleading; procedural changes under statutes and codes, 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.

Property. Mr. Woodbridge.

Year course; lectures five hours; ten credits. Credit determined on an examination given at the end of the year on work of the entire course.

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

Public Utilities. Mr. Peebles.

Second semester; lectures three hours; three credits.

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

Roman Law I-II. Mr. Lewis.

Year course; lectures three hours; six credits. Credit determined on an examination given at the end of the year on work of the entire course.

A survey of the development of Roman Law and its offspring, the Romanesque or so-called Civil Law, with an examination of the various doctrines evolved and comparison of them with those of the Common Law.

Torts. Mr. Woodbridge.

Second semester; lectures five hours; five credits.

The nature of tort liability; legal causation; particular wrongs; and the measure of damages therefor, including a survey of employer-employee relationships as affected by modern labor legislation.