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# The Department of Jurisprudence (Academic Year 1941-1942)

College of William & Mary

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March, 1942

*of*  
THE COLLEGE OF WILLIAM AND MARY  
IN VIRGINIA

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



TWO HUNDRED AND FORTY-NINTH YEAR

*1941-1942*

*Announcements, Session 1942-1943*

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WILLIAMSBURG, VIRGINIA

1942

## THE DEPARTMENT OF JURISPRUDENCE

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

### Faculty

- JOHN STEWART BRYAN, M.A., LL.B., Litt.D., LL.D...*President of the College*  
THEODORE SULLIVAN COX, A.B., LL.B....*Dean of the Department; Professor*  
*of Law and Police*  
DUDLEY WARNER WOODBRIDGE, A.B., J.D.....*Professor of Jurisprudence*  
EDGAR MARIA FOLTIN, J.U.D.....*Professor of Jurisprudence*  
FREDERICK KEATING BEUTEL, A.B., LL.B., S.J.D..*Professor of Jurisprudence*  
LIONEL H. LAING, Ph.D.....*Assistant Professor of International Law*  
JOHN LATANÉ LEWIS, A.B., LL.M....*Assistant Professor of Jurisprudence;*  
*Law Librarian*  
WALTER EDWARD HOFFMAN, B.S., LL.B.....*Assistant Professor of*  
*Jurisprudence*  
CHARLES P. SHERMAN, D.C.L., LL.D.....*Lecturer in Jurisprudence*  
PAUL H. GANS, J.U.D.....*Graduate Assistant in Jurisprudence*

### 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*.\*

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:

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

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 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, 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.

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

In May, 1861, with the closing of the College, because of 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 largely dormant. Its revival, begun in 1920, was completed with the session of 1922-23. Shortly thereafter, with augmented faculty and increased facilities, it was renamed the Department of Jurisprudence to indicate more adequately the broad field in 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 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 15,000 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 most of the state courts prior to the National Reporter System; the National Reporter System; the leading selected and annotated reports; Federal and state statutes; the principal encyclopedias; the American Digest System, with other modern search-books; many treatises and textbooks; and a considerable 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 pages 85-91, inclusive.)

The Dean and Faculty of the department are readily accessible, either in their offices or in their homes, to all students who may desire to consult them.

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

The most important extra-curricular activity in the Department of Jurisprudence is the Wythe Law Club, to which faculty, students, and members of the local bar may be elected. Named for the first professor of law, George Wythe, the club conducts moot courts and maintains one of the three George Wythe Memorial Scholarships. The other two scholarships are maintained by friends of the College. The William A. Hamilton prize of fifty dollars, established in 1938 by Dr. Charles P. Sherman, a lecturer in the department, is awarded to the

student graduating in Jurisprudence with the best essay on a subject connected with Roman Law. 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 Department of Jurisprudence and take any subject approved by the Dean of the Department; provided, however, that students who expect to become candidates\* 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 (see page 74), 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 two 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 *sixty* semester credits 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 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 Department, *but under no other circumstances may a student who has not completed satisfactorily sixty semester credits in liberal arts subjects take any subject in Jurisprudence.*

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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.

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

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

The Department of Jurisprudence conducts no summer session.

### **Concentration in Jurisprudence and the Combined Six Years' Course**

As provided on page 74 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 as given on pages 73, 74 are required by the Department of Jurisprudence as preparation for law, students who expect to concentrate in Jurisprudence or 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.

### **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 fifty-five semester hours.

### **Exclusion Because of Poor Scholarship**

If at any time a student who has been admitted to candidacy for the degree of Bachelor of Civil Law shall have accumulated more than six hours of grade "F" in Jurisprudence, he automatically shall be excluded from registration in the Department of Jurisprudence.

### **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, 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.

## 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>
Constitutional Law I.....	5	Constitutional Law II.....	5
Contracts I .....	3	Contracts II .....	3
Legal Bibliography .....	1	Criminal Law .....	3
Legal History .....	3	Torts .....	4
Property I .....	4		
	—		—
	16		15

## 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 .....	3	Equity .....	3
Evidence .....	3	Government Regulation of	
Procedure I .....	5	Business .....	3
		Negotiable Instruments;	
		*Conflict of Laws.....	3
		Procedure II .....	5
	—		—
	14		17

## Third Year

<i>First Semester</i>	<i>Credits</i>	<i>Second Semester</i>	<i>Credits</i>
Administrative Law .....	3	*Conflict of Laws; Negoti-	
Bankruptcy .....	2	able Instruments .....	3
International Law.....	3	International Law .....	3
Legal Ethics .....	1	Legal Philosophy .....	3
Roman Law .....	3	Property II .....	3
Wills .....	2	Sales .....	3
	—		—
	14		15

## Description of Courses

**Administrative Law.** Mr. Beutel.

*First semester; lectures three hours; three credits.*

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. Beutel.

*First 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.

\*Alternate years; not offered 1942-43.

**Business Associations I-II.** Mr. Beutel.

*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. Beutel.

*Second 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. (Alternate years; not offered in 1942-43)

**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 and the jurisdiction of the Federal courts.

**Contracts I-II.** Mr. Woodbridge.

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

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

**Criminal Law.** Mr. Foltin.

*Second semester; lectures three hours; three credits.*

Crime and punishment. Sources of criminal law. The overt act, criminal capacity and intent; error and justification. Attempt to commit crime. Conspiracy. Parties in crime. The different offenses.

**Equity.** Mr. Lewis.

*Year course; lectures three hours; six credits.*

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

**Evidence.** Mr. Woodbridge.

*First semester; lectures three hours; three credits.*

The principles relating to the burden of proof, the competency of witnesses, and the admission and exclusion of evidence.

**Federal Taxation.** Mr. Cox.

*First semester; two lectures; two credits.*

An advanced study of Federal taxation with special attention to the Federal Income Tax.

**Government Regulation of Business.** Mr. Beutel.

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

A study of the concepts and legal devices used by the government in regulating business enterprise; the business charged with the public interest, direct regulation, subsidies, taxation, and complete and partial government ownership as a means of controlling economic activities. This course is given in collaboration with Mr. Marsh of the Department of Business Administration and is the same course as Bus. 328, open to both law students and advanced students in the College by permission of the instructors.

**International Law and Organization.** Mr. Laing.

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

The law of nations, as derived from custom, common usage, and formal international agreement. Special attention will be given to its interpretation in American diplomatic practice and the role of law in international government. (See Department of Government, page 189)

**Legal Philosophy.** Mr. Foltin.

*Second semester; lectures three hours; three credits.*

The nature of law. Law and justice. Might and right. Sources of law. Development of the idea of law and the state in ancient, medieval, and modern times. Interdependence of legal philosophy and cultural evolution. (See Department of Philosophy, page 157)

**Legal Bibliography.** Mr. Lewis.

*First semester; lecture one hour; one credit.*

Legal materials and their use; solution of practical problems by the various methods of research.

**Legal Ethics.** Mr. Cox.

*First semester; lecture one hour; one credit.*

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

**Legal History.** Mr. Foltin.

*First semester; lectures three hours; three credits.*

Law among the primitives. The law of ancient Eastern cultures; of Greek democracy and of the Roman Empire. Canon Law. Medieval and modern law in Italy, Germany, and France. The legal history of England.

**Negotiable Instruments.** Mr. Beutel.

*Second semester; lectures three hours; three credits.*

The law of negotiable paper with particular attention to the Uniform Negotiable Instrument Law.

**Procedure I-II.** Mr. Hoffman.

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

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 examinations of titles; pleading in equity; administration of estates; and the conduct of cases before trial and appellate courts.

**Property I.** Mr. Woodbridge.

*First semester; lectures four hours; four credits.*

Types of property; easements and other incorporeal hereditaments.

**Property II.** Mr. Woodbridge.

*Second semester; lectures three hours; three credits.*

Acquisition of title to real property other than by will; mortgages and liens; co-ownership; future interests.

**Sales.** Mr. Lewis.

*Second semester; lectures three hours; three credits.*

The sale of personal property with particular attention to the Uniform Sales Act, including a brief survey of the law of personal property.

**Roman Law.** Mr. Foltin.

*First semester; lectures three hours; three credits.*

A survey of the development of Roman 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 four hours; four credits.*

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

**Wills and Administration.** Mr. Lewis.

*First semester; lectures two hours; two credits.*

Nature of wills, execution, revocation, probate; intestate succession; administration of estates.

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**Introduction to Law.** Mr. Cox.

*First semester, repeated second semester; lectures two hours; two credits.*

This course 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 following courses are recommended to law students although not accepted for concentration in Jurisprudence:

**Criminology (Sociology 401).** Mr. Foltin.

*First semester; lectures three hours; three credits.*

**Penology (Sociology 402).** Mr. Foltin.

*Second semester; lectures three hours; three credits.*

**Psychology of the Interview. (Psychology 308).** Mr. Foltin.

*Second semester; lectures three hours; three credits.*