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# The Department of Jurisprudence (Academic Year 1944-1945)

College of William & Mary

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## Repository Citation

College of William & Mary, "The Department of Jurisprudence (Academic Year 1944-1945)" (1945). *Course Information*. 95.  
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Vol. 39, No. 3

BULLETIN

April, 1945

of

THE COLLEGE OF WILLIAM AND MARY  
IN VIRGINIA

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CATALOGUE

The College of William and Mary  
in Virginia



TWO HUNDRED AND FIFTY-SECOND YEAR

1944-1945

*Announcements, Session 1945-1946*

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WILLIAMSBURG, VIRGINIA

1945

## THE DEPARTMENT OF JURISPRUDENCE

Professors: <sup>1</sup>THEODORE SULLIVAN COX, *Dean of the Department*

<sup>1</sup>FREDERICK KEATING BEUTEL

EDGAR MARIA FOLTIN

HARROP A. FREEMAN

DUDLEY WARNER WOODBRIDGE, *Acting Dean of the Department*

Assistant Professor: JOHN LATANÉ LEWIS, *Law Librarian*

Lecturer: CHARLES P. SHERMAN

## 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*:<sup>2</sup>

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.

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.

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

<sup>1</sup> On leave of absence, 1944-1945.

<sup>2</sup> Ford's edition, I, 69-70.

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, 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, Business, 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 16,000 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 legal periodicals. 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 57-62, 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 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-Voorhis 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<sup>1</sup> 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 36), 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 one 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 at least one-half of their work toward a degree 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<sup>2</sup> and may take subjects in Jurisprudence approved by the Dean of the Department, *but*

<sup>1</sup>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.

<sup>2</sup>The number is limited in accordance with the recommendation of the Legal Education Section of the American Bar Association.

*under no other circumstances may a student who has not completed satisfactorily sixty semester credits 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 Department of Jurisprudence forms an integral part. Inquiries should be addressed to the Registrar of the College or to the Dean of the Department.

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

As provided on page 37 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 34-37, 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	Trusts .....	3
Evidence .....	3	Federal Taxation .....	3
Negotiable Instruments ...	3	Government Regulation of	
Procedure I .....	3	Business .....	3
		Procedure II .....	3
	15		15

**Third Year**

<i>First Semester</i>	<i>Credits</i>	<i>Second Semester</i>	<i>Credits</i>
Administrative Law .....	3	Conflict of Laws.....	3
Bankruptcy .....	2	International Law II.....	3
International Law I .....	3	Legal Philosophy .....	3
Legal Ethics .....	1	Property II .....	3
Roman Law .....	3	Sales .....	2
Wills .....	2		
	14		14

**Description of Courses**

Owing to war conditions, the Department reserves the right to make such changes as shall be in the best interests of the Department.

**Administrative Law.**

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

**Bankruptcy.***First semester; lectures two hours; two credits.***Business Associations I-II.***Continuous course; lectures three hours; three credits each semester.***Conflict of Laws.***Second semester; lectures three hours; three credits.***Constitutional Law I-II. Mr. Freeman.***Continuous course; lectures five hours; five credits each semester.***Contracts I-II. Mr. Woodbridge.***Continuous course; lectures three hours; three credits each semester.***Criminal Law. Mr. Foltin.***Second semester; lectures three hours; three credits.***Equity.***First semester; lectures three hours; three credits.***Evidence. Mr. Woodbridge.***First semester; lectures three hours; three credits.***Federal Taxation. Mr. Freeman.***Second semester; lectures three hours; three credits.***Government Regulation of Business.***Second semester; lectures and conferences three hours; three credits.**Same as Business 328.***International Law I-II. Mr. Freeman.***Continuous course; lectures three hours; three credits each semester.***Legal Philosophy.***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 142.)

**Legal Bibliography. Mr. Lewis.***First semester; lecture one hour; one credit.***Legal Ethics.***First semester; lecture one hour; one credit.*

**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. Woodbridge.*First semester; lectures three hours; three credits.***Procedure I-II.***Continuous course; lectures three hours; three credits each semester.***Property I.** Mr. Woodbridge.*First semester; lectures four hours; four credits.***Property II.** Mr. Woodbridge.*Second semester; lectures three hours; three credits.***Sales.** Mr. Freeman.*Second semester; lectures two hours; two credits.***Roman Law.***First semester; lectures three hours; three credits.***Torts.** Mr. Woodbridge.*Second semester; lectures four hours; four credits.***Trusts.***Second semester; lectures three hours; three credits.***Wills and Administration.***First semester; lectures two hours; two credits.***Introduction to Law.** Mr. Freeman.*First 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 in other departments are recommended to law students:

**Criminology and Penology (Sociology 401).** Mr. Foltin.*First semester; lectures three hours; three credits.***Psychology of the Interview.** (Psychology 307). Mr. Foltin.*Second semester; lectures three hours; three credits.*