FIRST YEAR COURSES

[The work of the first year is required.]

1A. Contracts I.—Mutual assent and its communication; offers and their expiration or revocation; consideration; requisites of contracts under seal; rights of beneficiaries; joint and several contracts. Williston, Cases on Contracts (2d ed.) (part). Mj. Autumn, PROFESSOR WOODWARD. (Two sections.)

2. Torts.—Trespass to person and to property; excuses for trespass; conversion; negligence; legal duties; statutory torts; legal cause; contributory and imputed negligence; contributory illegality; possessory duties; acting at peril; liability for animals; deceit; defamation: slander, libel, privilege, malice; right of privacy; malicious prosecution; interference with social and business relations: inducing breaches of duty, fair and unfair competition, strikes, boycotts, business combinations. Ames and Smith, Cases on Torts (ed. of 1909-10), Vols. I and II. 1Mj. Autumn (five hours); and Winter, First Term (five hours), PROFESSOR HALL. (Two sections.)

3A. Personal Property.—Distinction between real and personal property; acquisition of rights; gift; bailment; lien; pledge; fixtures; emblements. Bigelow, Cases on Personal Property. M. Summer, First Term; 1Mj. Autumn, PROFESSOR BOGERT. (Two sections.)

3. Real Property.—Tenure, estates, seisin, future and incorporeal interests, joint ownership, disseisin, uses and trusts; adverse possession, prescription, accretion; mode of conveyance; execution of deeds; description of property; creation of easements; estates created; covenants for title; estoppel; priority, notice, and record. Bigelow, Introduction to Real Property, and Aigler, Cases on Titles to Real Property. 1Mj. Winter, First Term; Second Term (two hours); and Spring (three hours), PROFESSOR BIGELOW. (Two sections.)

4. Agency.—Nature of relation; liabilities of principal: torts, contracts, crimes, admissions; liabilities of agent; parties to writings; undisclosed principal; obligations between principal and agent; delegation of agency; termination of agency; ratification. 1Mj. Keedy, Cases on Agency. Winter, Second Term; and Spring (three hours), PROFESSOR SEARS. (Two sections.)

20. Equity I.—Nature of equity jurisdiction; relation of common law and equity. Specific reparation and prevention of torts: waste; trespass; disturbance of easements; nuisance; interference with business, social, and political relations; defamation; injuries to personality. Cook, Cases on Equity, Vol. I. 1Mj. Winter, PROFESSOR DODD. (Two sections.)

60. Criminal Law.—The criminal act; criminal attempts; consent; criminal intent, specific and constructive; circumstances affecting intent; justification; parties in crime: agency; joint principals, accessories; jurisdiction over crimes; crimes against the person, especially murder and manslaughter; larceny and kindred offenses. Mikell, Cases on Criminal Law (2d ed.). DM. Summer, Second Term, PROFESSOR SEARS; 1Mj. Winter, Second Term; and Spring (three hours), PROFESSOR PUTTKAMMER. (Two sections.)

80A. Remedies.—General theory of actions as remedies: recovery of damages for breach of obligation; recovery of debt; recovery of chattels; recovery of land. Steps in actions; functions of judge and jury. Scope of covenant, debt, detinue, account, trespass, trover, replevin, ejectment, trespass on the case (tort and contract). Cook and Hinton, Cases on Common Law Pleading (part). M. Summer, First Term, PROFESSOR OSBORNE; 1Mj. Autumn, PROFESSOR HINTON. (Two sections.)

80. Common Law Pleading.—Necessary allegations, and methods of pleading; demurrers for defects in form and in substance; defaults; pleas in bar by way of traverse or confession and avoidance; cross-demands; replications and further pleadings; amendments. Cook and Hinton, Cases on Common Law Pleading (part). 1Mj. Spring (four hours), ASSOCIATE PROFESSOR KENT. (Two sections.)
SECOND- AND THIRD-YEAR COURSES

[These courses are elective, and need not be taken in any fixed order. Students are advised to postpone starred (*) courses to the third year.]

1B. Contracts II.—Alternative contracts; conditional contracts; illegality; impossibility; discharge of contracts or causes of action arising thereon by rescission, novation, accord and satisfaction, release, or other means. Williston, *Cases on Contracts* (2d ed.) (part). Mj. Winter, Associate Professor Kent.

7. Persons.—Husband and Wife; marriage and divorce; incidents of marital relation as between spouses and against third parties; husbands' liability for torts and contracts of wife; incapacities of wife; statutory changes in common law. Parent and Child; custody; support; earnings and services; parental rights against third parties; parental liability for torts of or to children. Infants: contracts and conveyances: necessaries, affirmation, disaffirmance, restoration of benefits, particular obligations; torts; crimes. Kales, *Cases on Persons*, and Vernier's Supplement. Mj. Spring, Assistant Professor Eagleton.

[Omitted in 1927-28, and in alternative years thereafter.]

9. Damages.—Exemplary, liquidated, nominal, direct, and consequential damages; avoidable consequences; counsel fees; certainty; compensation; physical and mental suffering; aggravation and mitigation; value; interest; special rules in certain actions of tort and contract. Beale, *Cases on Damages* (2d ed.). Mj. Summer, Professor Bogert; Mj. Spring, Assistant Professor Eagleton.

[Given in 1927-28, and in alternative years thereafter.]

13. Landlord and Tenant.—Creation of estates for years, from year to year, and at will; tenancy at sufferance; covenants in leases; nature, suspension, and apportionment of rents; surrender of leases. Bigelow, *Cases on Rights in Land* (parts), and Aigler, *Cases onTitles to Real Property* (part). Mj. Summer, Second Term; Mj. Autumn, Professor Bigelow.

14. Rights in Land.—Possessory rights respecting air, water, and land; reversions; nature and extent of profits, easements, and licenses; covenants and other agreements affecting use of land; public rights in streams and ways. Bigelow, *Cases on Rights in Land* (part), and Aigler, *Cases on Titles to Real Property* (part). Mj. Summer, Second Term; Mj. Autumn, Professor Bigelow.

15. Wills and Administration.—Testamentary capacity; dispositions in contemplation of death; execution, revocation, reprobation, and revival of wills; descent; liability of heirs for debts; probate and administration; title and powers of executors and administrators; payments of debts, legacies, and distributive shares. Costigan, *Cases on Wills*. Mj. Autumn, Assistant Professor Eagleton.

16. Future Interests.—Classification of future interests; rule against perpetuities; rule in Shelley's Case; construction of limitations; conditions; restraints on alienation; powers. Kales, *Cases on Future Interest*. Mj. Winter, Professor Bogert.

19. Mining and Water Rights.—Mining: location of lode claims; preservation and loss of location; relocation; tunnel claims; placer claims; extra-lateral rights; crossveins and veins uniting on the dip; proceedings to obtain patent. Water Rights and Irrigation: water rights at common law; other systems of law as to use of water; the doctrine of appropriation; basis and nature of right acquired; requisites of appropriation; priorities; transfer and extinguishment of water rights. Costigan, *Cases on Mining Law*, and Bingham, *Cases on Water Rights*. Mj. Autumn, Professor Bigelow.

[Omitted in 1927-28]

21. Equity II.—Specific performance of contracts: affirmative contracts; negative contracts; third persons; legal consequences of right of specific performance; partial performance; consideration; marketable title; statute of frauds; plaintiff's conduct as a defense; mistake; hardship; mutuality. Cook, *Cases on Equity*, Vol. II. Mj. Spring, Professor Dodd.


24. Trusts.—Nature and requisites of a trust; express, resulting, and constructive trusts; charitable trusts; appointment and office of trustee; nature of *cestui's interest*;
transfer of trust property by trustee or by cestui; cestui’s interest as affected by death, marriage, or bankruptcy of trustee or cestui; duties of trustee; extinguishment of trust; removal or resignation of trustee; accounting; assignments of choses in action. Costigan, Cases on Trusts. Autumn; and Winter, First Term, Professor Bogert.

25. Quasi-Contracts.—Nature of obligation; restitution at law for benefits conferred under mistake of fact or mistake of law; benefits conferred in misreliance upon contract invalid, illegal, unenforceable, or impossible of performance; benefits conferred through intervention in another’s affairs; benefits conferred under constraint; restitution as alternative remedy for breach of contract and for tort. Cook, Cases on Equity (part), Vol. III. Mr. Spring, Professor Woodward.

30. Suretyship.—Kinds of suretyship; statute of frauds; surety’s defenses due to original defects in his obligation or its subsequent discharge; surety’s right of subrogation, indemnity, contribution, and exoneration; creditor’s right to surety’s securities. Ames, Cases on Suretyship. 4Mj. Winter, Assistant Professor Schiff.

31. Mortgages.—Essential elements of legal and equitable mortgages; rights of mortgagor and mortgagee at law and in equity: title, possession, dower, curtesy, waste, priorities, collateral agreements, foreclosure, redemption, extension, assignment, and discharge of mortgages. Wyman, Cases on Mortgages. DM. Summer, Second Term, Professor Osborne; Kirchwey, Cases on Mortgages (2d ed.). 4Mj. Winter, Assistant Professor Schiff.

40. Sales.—Subject-matter of sale; executory and executed sales; bills of lading and jus disponendi; stoppage in transitu; fraud; factors’ acts; warranty and remedies for breach of warranty; statute of frauds. Woodward, Cases on Sales (2d ed.). 4Mjs. Winter, Second Term; and Spring, Professor Bogert.

41. Bills and Notes.—Formal requisites; acceptance; indorsement; transfer; purchase for value without notice; overdue paper; extinguishment; obligations of parties; checks; diligence: presentment, dishonor, protest, notice; the Negotiable Instruments Law. Smith and Moore, Cases on Bills and Notes (2d ed.). 4Mjs. Winter, Second Term; and Spring, Professor Puttkammer.

42A. Public Utilities.—Public regulation and control of business; constitutional limitations; supervision of utilities; service; liability; rates: judicial review, value, rate of return, allocation of earnings and costs, value of service, excessive or deficient earnings; Interstate Commerce Acts. Casebook to be announced. 4Mj. Autumn (two hours); and Winter, First Term (two hours), Professor Dodd.

42B. Carriers.—Bailment and undertaking; nature of undertaking; its beginning; facilities; performance; protection; delivery; liability; limitation of liability; excuses; end of undertaking; connecting services; charges; lien; tickets. Beale, Cases on Carriers (2d ed.). 4Mj. Autumn (two hours); and Winter, First Term (two hours), Professor Bogert.

43. Trade Regulation.—Contracts not to compete; competitive practices in intimidating and molesting, disparaging competitor’s goods, appropriating trade values, inducing breaches of contract; boycotting, unfair price practices and advertising; combinations: their object, form, rights, and liabilities under federal statutes. Oliphant, Cases on Trade Regulation. 4Mj. Autumn (two hours); and Winter, First Term (two hours), Professor Puttkammer.

44. Insurance.—Fire, life, and accident insurance, with respect to: insurable interest; concealment; misrepresentation; warranties; other causes of invalidity of contract; amount of recovery; subrogation; conditions; waiver, estoppel, election, and powers of agents; assignees and beneficiaries. Vance, Cases on Insurance. 4Mj. Autumn, Mr. Schutter.

50. Partnership.—Nature of a partnership, its purposes, and members; creation of partnership; nature of partner’s interest; firm name and good-will; mutual rights and duties of partners; actions between partners, at law and in equity; powers of partners; liability of partners; dissolution; notice; consequences of dissolution; debts;
distribution of assets; limited partnerships. Mechem, *Cases on Partnership* (4th ed.). DM. Summer, First Term, Professor Mathews. Crane and Magruder, *Cases on Partnership*. 1\#Mjs. Autumn; and Winter, First Term (two hours), Professor Sears.

*51. Private Corporations.—Nature of a corporation and relation to its stockholders; its creation; stock subscriptions; promoters; interpretation of charters; formalities of contracts; powers and duties of directors; rights of stockholders; dividends; transfer of stock; forfeiture of charters; corporate liability; *ultra vires* transactions; rights and remedies of creditors; preferences; stockholders' liability; intercorporate relations; purchase by a corporation of its own stock; dissolution. Richards, *Cases on Corporations* (2d ed.). 1\#Mjs. Summer (six hours), Professor Simes; 1\#\#Mjs. Autumn (six hours), Professor Mechem.

*52. Bankruptcy.—Jurisdiction of the United States and the states; who may be a bankrupt; who may be petitioning creditors; acts of bankruptcy; what property passes to the trustee; provable claims; protection, exemption, and discharge. Williston, *Cases on Bankruptcy* (2d ed.). 1\#Mjs. Autumn, Professor Sears.

63. Constitutional Law I.—Making and changing constitutions; function of judiciary in enforcing constitutions; separation and delegation of powers of government; personal liberty; interstate privileges and immunities of citizens; operation of fourteenth amendment; due process and equal protection of law; procedure, police power, taxation; eminent domain; protection to persons accused of crime. Hall, *Cases on Constitutional Law and Supplement* (part). DM. Summer, First Term; Mjs. Winter, Professor Hall.

*64. Constitutional Law II.—General scope of powers of federal government; money, banking, postal, and military powers; citizenship and suffrage; foreign relations, Indians, aliens; territories, dependencies, new states; federal taxation; regulation of commerce; national prohibition; inter-governmental relations; state laws impairing obligations of contracts; retroactive civil laws; jurisdiction of federal courts. Hall, *Cases on Constitutional Law and Supplement* (part). [Course 63 is not a prerequisite.] Mjs. Spring, Professor Hall.

65. Municipal Corporations.—Problems of territorial incorporation; adjustment of state and local powers; governmental and proprietary capacity (contract, tort liability, execution); mode of action; property and undertakings, including streets. Macy, *Cases on Municipal Corporations*. Mjs. Professor ——.

66. Taxation.—Jurisdiction; public purpose; classification; exemptions; remedies; federal income and inheritance taxes, excises. Casebook to be announced. 1\#Mjs. Autumn, Associate Professor Kent.

67. Administrative Law and Officers.—Administrative power and action: discretion; form and proof of official acts; notice; hearing and evidence; execution. Relief against administrative action: action to recover damages; specific relief (extraordinary legal remedies); jurisdiction, conclusiveness, and judicial control. Freund, *Cases on Administrative Law*. Mjs. Winter, Professor Freund.

68. Statutes.—The legal aspects of legislation; the statute book; choice of terms; methods of regulation; standing clauses; principles of construction. Selected cases and assigned problems. Mjs. Summer; Mjs. Winter, Professor Freund.

*70. Conflict of Laws.—(1) Jurisdiction: sources of law and comity; territorial jurisdiction; jurisdiction in rem and in personam; (2) remedies, rights of action, and procedure; (3) creation of rights: personal rights: rights of property: inheritance: obligations *ex delicto* and *ex contractu*; (4) recognition and enforcement of rights: personal relations; property; inheritance; administration of estates; judgments; obligations. Beale, *Cases on Conflict of Laws*, Vols. I, II, and III. 1\#\#Mjs. Winter, Second Term; and Spring, Professor Dodd.

71. International Law.—Mjs. Autumn and Winter, Professor Wright.

[See Announcements of Department of Political Science.]

1 Not credited toward a law degree if taken before courses 1, 2, and 3.
73. Civil Law.—(1) Sources: *corpus juris*; codes, legal writings; precedents. (2) A survey of doctrines and rules peculiar to the civil law or illustrative of modern codification. (3) Transfer of property *inter vivos* and *mortis causa*. Mj. Autumn, PROFESSOR FREUND.

[Given in 1927–28, and in alternate years thereafter.]

76. Jurisprudence.—Elements, nature, and sources of law; object of law; rights; analysis of a right; acts, facts, things, persons; duties, obligations, wrongs; classification of law; application of law. Holland, *Elements of Jurisprudence* (12th ed.), and assigned readings. Mj. Spring, PROFESSOR MECHEM.

81. Code Pleading.—Actions and special proceedings; the complaint, including necessary allegations, method of statement, and prayer for relief; answers, including general and special denials, new matter, equitable defenses, counter claims, and union of defenses; replies; demurrers. Hinton, *Cases on Code Pleading* (2d ed.). [Common Law Pleading is a prerequisite.] §Mj. Winter, ASSISTANT PROFESSOR EAGLETON.

82. Equity Pleading.—Bills in equity, including parties, general requisites, and multifariousness, disclaimer and default; demurrers; pleas; answers; replications; cross-bills; amendments. Hinton, *Cases on Equity Pleading*. [Common Law Pleading is a prerequisite.] §Mj. Winter, ASSISTANT PROFESSOR EAGLETON.

83. Criminal Procedure.—Jurisdiction; venue; arrest; extradition; proceedings before magistrate; bail; grand jury; indictment; arraignment, pleas, motions; trial; proceedings subsequent to trial; modes of review; punishment. Mikell, *Cases on Criminal Procedure*. §Mj. Spring, PROFESSOR HINTON.

86. Evidence.—The court and jury: presumptions and burden of proof; judicial notice; admission and exclusion of evidence. Witnesses: competency; privileges; examination. Hearsay: exceptions to hearsay rule: former testimony; dying declarations; admissions and confessions; statements against interest; regular entries; official entries and certificates; reputation; statements of relationship; spontaneous statements. Opinions and conclusions from lay and expert witnesses. Circumstantial evidence: character; conduct; miscellaneous facts; physical objects. Preferred evidence: attesting witnesses; original documents. Extrinsic evidence to contradict, vary, explain, or apply written instruments. Hinton, *Cases on Evidence*. §Mj. Autumn; Winter, First Term; and Second Term (two hours), PROFESSOR HINTON.

PRACTICE COURSES

90. Practice I.—Jurisdiction in personam and in rem; service and return of process; appearance; filing and settling pleadings; amendments; defaults, setting aside, and proceedings to final judgment; qualification and selection of jury; function of the court and jury; non-suits and directed verdicts; instructions or charge to the jury; verdicts; special interrogatories; trials without jury; motions for new trials; bills of exceptions; writs of error and statutory appeals. Hinton, *Cases on Trial Practice*. §Mj. Winter, Second Term (two hours); and Spring (three hours), PROFESSOR HINTON.

*91. Practice II.—Practical exercises: commencement of actions; use of motions and demurrers; pleadings to issue and amendments; preparation for trial; trial of issues of fact, with and without jury; settling instructions; exceptions; return and entry of verdicts; motions for new trial and in arrest of judgment; entry of judgment; settling and allowance of bills of exceptions; writs of error; transcripts of the record; assignments and joinder in error; briefs and argument. §Mj. Autumn (two hours), PROFESSOR HINTON.